The Friendly Skies of Chase Manhattan *K.G.J. Pillai*

THE NEW REPUBLIC

A Journal of Politics and the Arts—January 27, 1972, 50 cents

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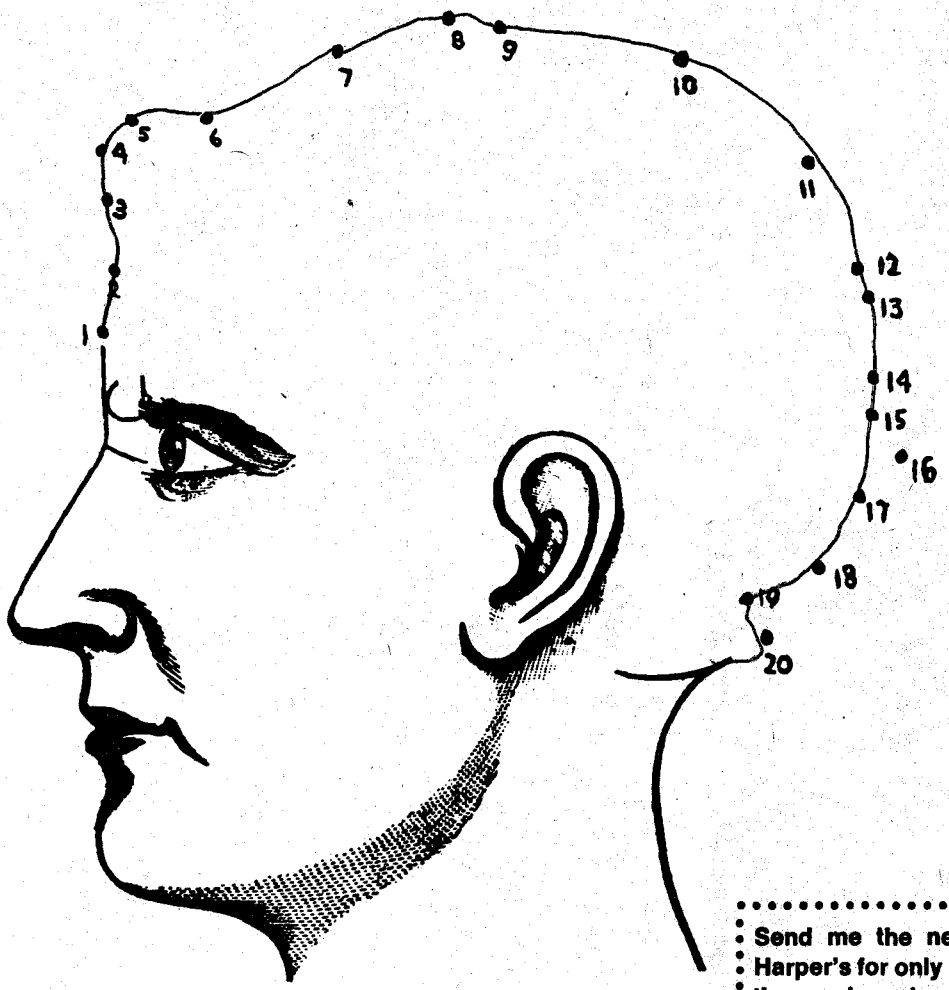

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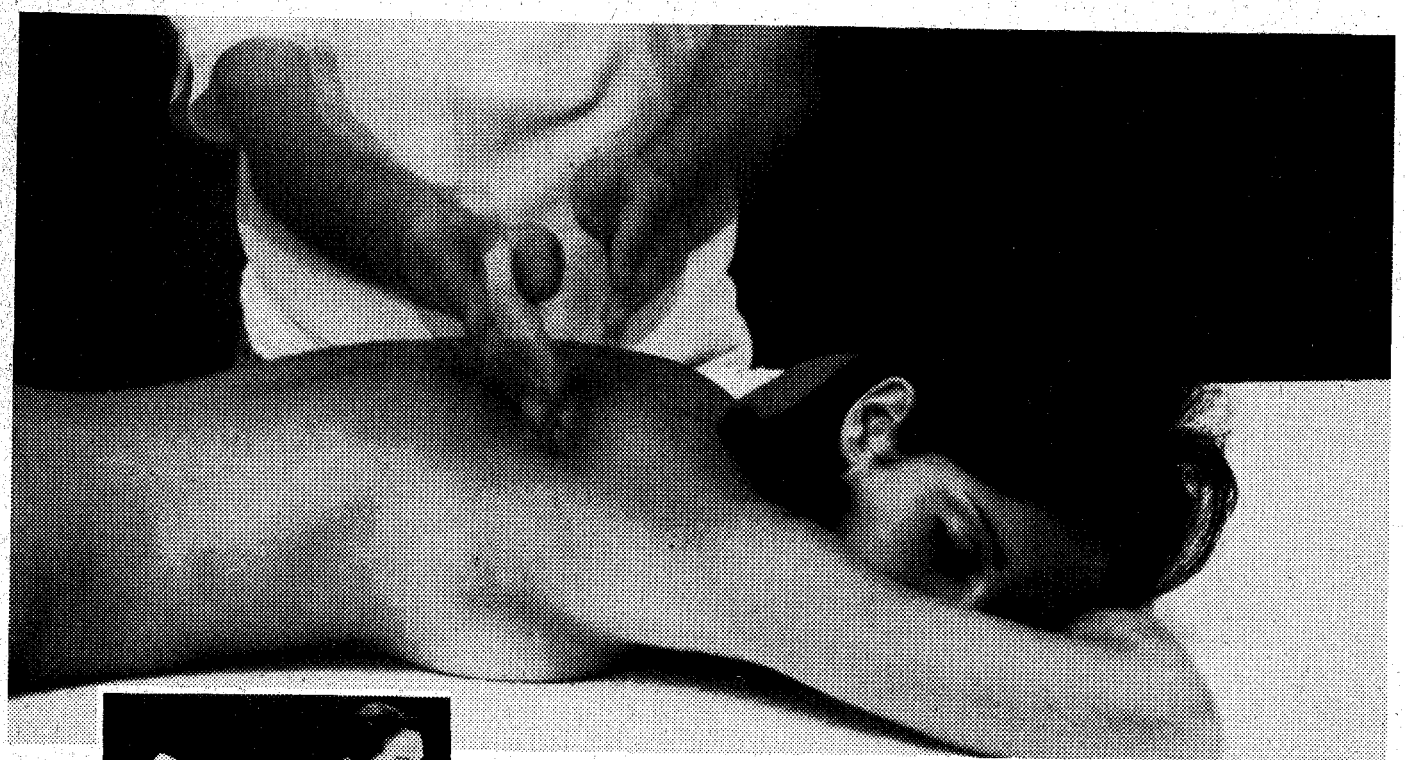

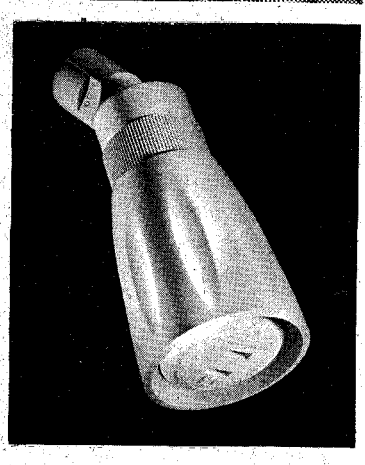

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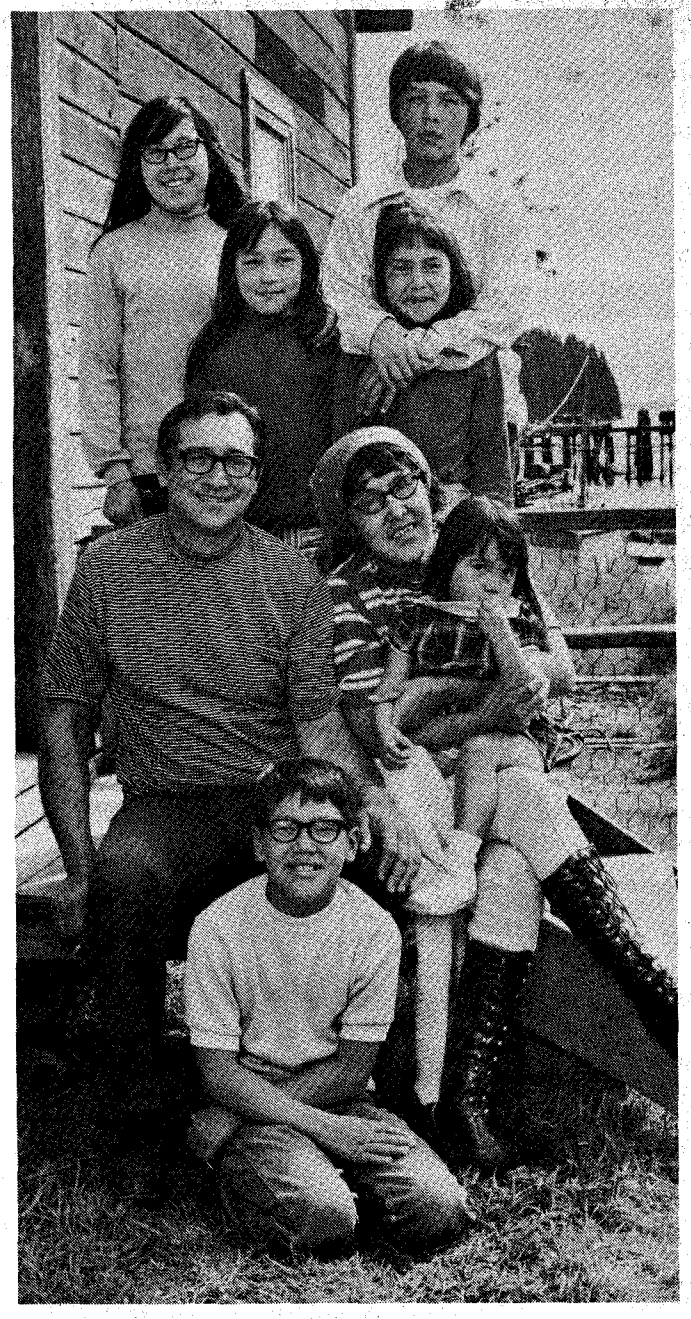

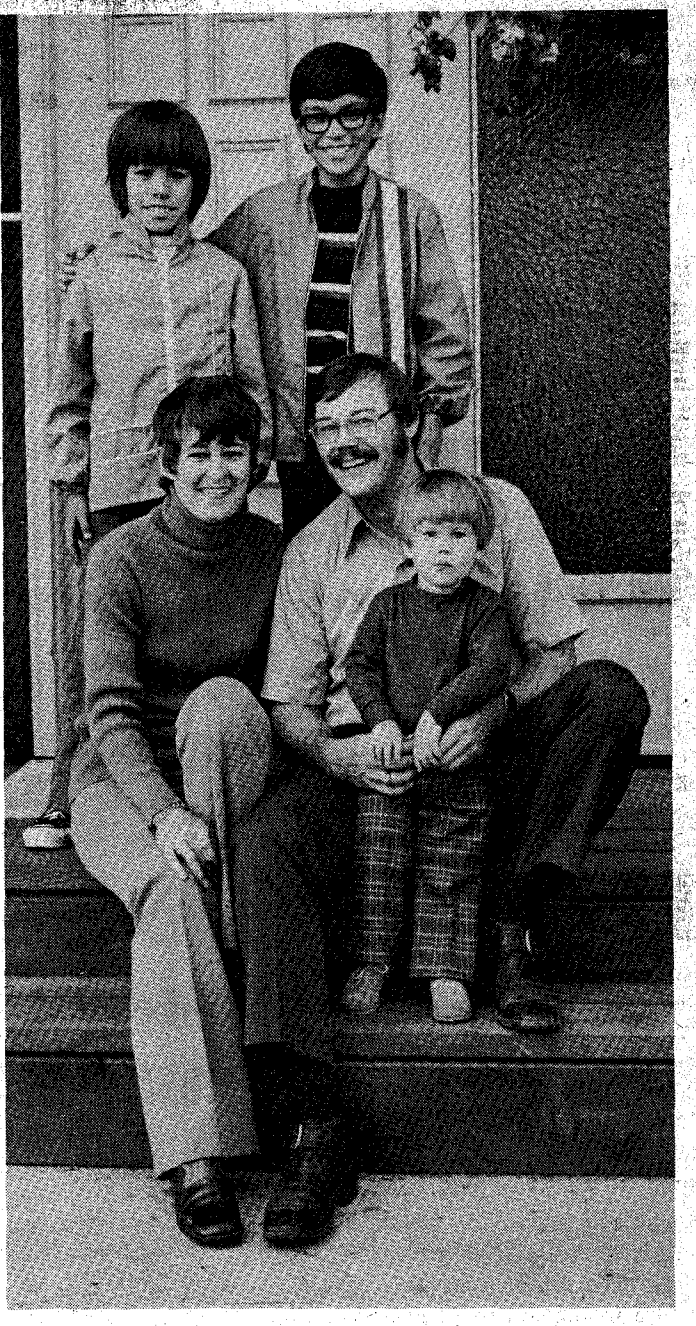

What does the Chichenoff family of Ouzinkie, Alaska, have in common with the Kramer family of Grant Park, Illinois?

A Share In Nearly A Billion Dollars.

Zack Chichenoff, his wife and six children all live in Ouzinkie, Spruce Island, Alaska. Because the Chichenoff family is Native Alaskan Aleut, each member is entitled to a share in the land claims settlement recently enacted by the Federal Government.

In Grant Park, Illinois, Larry Kramer and his three children are also eligible. Larry is half-Aleut, born on Atka Island, Alaska. But in 1942, as the Japanese poised to invade Alaska, little Larry was evacuated. He never went home again. Instead, he married Romany Hall and settled down in her home town of Grant Park, Illinois. Larry of course, is eligible for a share in the claims settlement. So are Larry and Romany's three children who are one-quarter Alaskan Native.

There are an estimated 15,000-20,000 Alaskan Natives outside the state who may be eligible for a share of nearly one billion dollars. And cutoff for registration is March 30, 1973. If you—or anyone you know—are at least one-quarter Alaskan Indian, Eskimo or Aleut, contact the Alaska Native Enrollment Office for information as to how you may register.

ANE

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TRB

from Washington
January 27, 1973

First Things First

We're getting a little tired telling how indrawn and removed the President is, and this is an opportunity to write about something else. This is the start of a brand new presidential term, inaugural and all. The "magic time" for changing policies is in the first few months of an administration, Mr. Nixon told Daniel P. Moynihan four years ago. His first Executive act in January 1969 was to set up the Urban Affairs Council with Moynihan as executive secretary. "We don't want the record written that we were too cautious," he told the council at its first meeting.

Those were "splendid hours," with "a touch of glory to them," recalls Pat Moynihan in his current book, *The Politics of A Guaranteed Income* (Random House), which is serialized in three parts in *The New Yorker*. America had sent three men to the moon and then, in August, on television, Mr. Nixon electrified the nation by proposing his astonishing Family Assistance Program, surely one of the most revolutionary pieces of social legislation in American history. I remember the shock. Anything could happen. Surely liberals had misjudged the new President! He began the most devastating denunciation of the US welfare "mess" ever delivered; a year later he called it a "consuming, monstrous, inhuman outrage against the community, against the individual—and most of all against the very children whom it was meant to help."

A family of four under FAP would get a basic $1600, plus $800 in food stamps. The plan passed the House twice but was wrecked in the reactionary Senate Finance Committee under chairman Russell Long, where the Republicans voted solidly against Mr. Nixon.

It is the thrust of Pat Moynihan's lively but bewildering argument that it was the liberals as much as the conservatives who did FAP in. Since he specifically makes an exception of TRB ("a convinced advocate of FAP") we can claim some objectivity. It is true that a lot of liberals felt $1600 was too low, and a lot of "intellectuals" opposed anything Mr. Nixon offered, just on suspicion. But the tragic death of FAP goes a lot deeper than that. Mr. Nixon was trying to broaden his political base and thought for a while he could win the liberals over. But he had to sell the idea to the conservatives, too, so he threw in the idea of a compulsory work requirement (which he originally omitted). The plan was for a guaranteed income, based on Milton Friedman's negative income tax, and the title of Moynihan's book and all the White House discussion were based on it. But Mr. Nixon wouldn't use the words in selling the product. In his August 8, 1969 speech he specifically declared, "This national floor under incomes for working or dependent families *is not a 'guaranteed income'*." This devious approach was considered good politics.

We come away from the book with a new respect for Moynihan, now ambassador-designate to India, who has always been one of our favorites. He almost put over an astounding reform by a conservative President, whom he still defends and admires. But it wasn't a Truman; it was a President who couldn't come right out and tell the story frankly, in which case, we think, he might have won. He put more and more emphasis on the compulsory work requirement making the thing sound like a punitive system. As he strengthened himself with the white Southern establishment he backed away from suspicious liberals and ungrateful blacks. "Scrubbing floors and emptying bedpans have just as much dignity as there is in any work to be done in this country, including my own," he told them. Alas, what he said about the vicious welfare "mess" remains true; it's still there; he's turned to other matters.

Other matters, of course, like Vietnam. We have no doubt the outcome will be presented skillfully, just like FAP. Four years of war have cost us around $75 billion and 20,000 lives. No doubt we shall have victory, a "victory" consisting of getting our own POWs back.

The inaugural stands and bunting are coming down now on Pennsylvania Avenue, and Mr. Nixon is canceling federal programs in order to balance the budget. He has canceled programs for soil conservation and rural electrification. He is canceling or freezing federal commitments to subsidize construction of new low- and middle-income housing which has aided many to find decent places to live. When his new budget comes out next week we shall really know how deep the cuts go.

America needs things, but we can't afford them. We need more police: the Gallup Poll says that the average American still regards crime as his most serious problem. But more police would mean higher taxes, so in wealthy communities people are hiring private patrol cars and guards. We need better health care: the US ranks only 22nd in male life expectancy among the big nations, and 13th in infant mortality. But a national health program (like that abroad) would cost money; we can't afford it. Ending pollution costs money, too: Mr. Nixon has impounded half the money Congress voted over his veto for cleaning streams.

It is funny how some nations can afford these things. David Lawrence's *US News & World Report* last week compared US taxes with other nations'. America's burden, it reports, "is smaller in relation to national output than in most other developed countries." Our total tax burden (city, state, federal) is below 15 countries and above only seven countries of those enumerated. England, France, Austria, Germany, Italy, Canada and the Scandinavian countries all carry a heavier tax burden.

We wouldn't have any Treasury deficit now if we hadn't slashed taxes in 1964, 1969 and 1971; these three enormous tax cuts cost us a $45 billion annual revenue loss. Many of these cuts aided the affluent more than the poor; there has been emphasis on regressive ("soak the poor") taxes. Middle-income people, for example, don't evade payroll taxes; the money is subtracted before they see it; the percentage of revenue from payroll collections has jumped from 18 to 28 percent since 1963. The percentage from corporate and personal income (progressive) taxes, on the other hand, has fallen from 66 to 60 percent.

Just to plug the notorious tax loopholes would end the current inflationary deficit. But it's all a matter of choice, isn't it? Some nations put health, cities, public services first; some nations stick to tax loopholes.

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How to Cut Property Taxes

The local property tax, which has been rising about 10 percent a year nationally, is the most disliked tax in America. According to Census Bureau figures for 1971, families with incomes below $2000 spent 16.6 percent of it on property taxes, compared to 2.9 percent for those earning $25,000 or more. Planners have criticized it as an impediment to slum rehabilitation. State courts have ruled it unconstitutional as a means for financing public schools because it discriminates against children in low-wealth districts. In a recent public opinion survey by the Advisory Commission on Intergovernmental Relations, 45 percent of respondents felt the property tax was the "least fair" tax, compared to 19 percent who felt that way about the federal income tax and 13 percent about state sales taxes. Little wonder, then, that the White House last December 14 affirmed its commitment "to providing significant tax relief for property owners" and Mr. Ehrlichman of the White House staff announced that "we are going to move immediately" to ease the burden on the elderly.

What's the best way to do it? Three methods have been used in recent years: the homestead exemption, the "circuit-breaker," and the special formula for assessing farmland. The homestead exemption allows homeowners (of all ages and incomes in 14 states, only elderly homeowners in 18 others) to exclude from taxation a portion of their homes' valuation. Under the "circuit-breaker" system used by eight states, elderly taxpayers receive a rebate or state income tax credit for local property taxes paid, the amount of rebate or credit depending on the size of the taxpayer's income. Special farmland assessment formulas have ostensibly protected small farmers from rising property taxes brought about by encroaching suburbia; actually they have often benefited small farmers less than they have real estate speculators and large corporate landowners. Late last year California boosted the state sales tax from five to six percent and the state corporate income tax from 7.6 to nine percent and allocated the new revenues to across-the-board property tax relief. Another approach that's gaining popularity is using federal revenue sharing funds for property tax reduction. Describing the property tax as "oppressive and discriminatory," Mr. Nixon has floated the idea of a federal value-added tax (VAT) to help reduce it.

The trouble with almost all these devices is that they don't reach

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the basic nature of the tax's inequity. Historically, the property tax originated as a tax on wealth. But for most Americans, it has become a consumption tax on housing, paid mostly out of wages, either directly by the homeowner or indirectly by the renter (one-fifth of whose rent, on the average, is merely the landlord's property taxes passed on). As a wealth tax the property tax still has some potential (rich people own more property than do poor people), but it is hampered by two defects: uniform rather than progressive rates, and exclusion from the tax base of such forms of property as stocks, bonds, bank deposits, franchises, patents. If property taxes are to be cut, and they should be, it's important how the knife is used.

One way state and local governments can use it, without federal assistance, is by revising land-value taxation. Economists have argued (vainly) that a tax on land is more justifiable than a tax on improvements. A tax on land encourages improvements, while a tax on improvements has the opposite effect. Some urbanologists contend that a reduction of the tax on improvements relative to the tax on land might do more to spur rehabilitation of blighted neighborhoods than all the urban renewal programs since the 1940s. Ralph Nader's Tax Reform Research Group has drawn attention to the wholesale underassessment of coal lands in Appalachia, timberlands in the South, oil lands in Texas, corporate farmlands in California and large landholdings generally. By revising these underassessments, many states and localities could reduce residential property taxes.

Consideration should also be given to increasing local governments' share of socially created land values. One method recommended by Paul Douglas' National Commission on Urban Problems is an unearned increment tax—that is, a tax on the rise in land value brought about by public expenditures and general economic growth. This could take the form of a transaction tax or an added capital gains tax on land, with residential property exempted. It is equitable in that it ignores past rises in land value and applies only to future rises, and they are likely to be considerable. The Douglas Commission estimated that land values increased nationally during the 1960s by about $25 billion a year, and that figure is going up. (In California, land values rose $5.6 billion last year.) A partial recapture of these unearned gains could lighten the tax on most homeowners or renters without resort to other direct or disguised taxes on their wage-earnings.

Unlike the income tax, the property tax has traditionally been a flat-rate tax; and since the poor spend a higher portion of their income on housing than the well-to-do, the flat rate means the property tax consumes a higher proportion of their earnings, though their housing is less luxurious. A progressive property tax structure would not only permit a reduction of the tax at the lower end of the scale; it would be an appropriate response to the maldistribution of real estate. (In a fairly typical urban county such as San Francisco, the 10 biggest real estate owners—a tiny fraction of one percent of the population—own about eight percent of the assessed valuation.) Property taxes should not be reduced across the board. They should be cut, where possible, in accordance with *in*ability to pay. Refunds should be granted not just to the elderly, but to all homeowners and renters on a graduated scale pegged to income and total property ownership.

During the latter part of the 19th century, many states adopted a general tax on property, all forms of property, not just real estate. The California Constitution of 1879, for example, defined taxable property as including "moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership." Unfortunately, the owners of intangible property proved more adept at concealing their wealth and avoiding taxes than did the owners of real estate (it's difficult to hide land and buildings, not so hard to hide paper). Lacking computers and trained personnel, all but a few states (Ohio, Michigan and Massachusetts being notable exceptions) gave up trying to tax intangibles. There's no reason why we can't return to the earlier notion of taxing all forms of property. The revenue potential is enormous. According to UCLA Professor Donald Hagman, only some $1.4 trillion of the $7 trillion in total assets in the United States (1971) are included in the present property tax base. Professor Lester Snyder of the University of Connecticut calculates that a 10 percent state tax on income from major forms of intangible property would permit real estate tax cuts of 30 percent on the average (41 percent in Pennsylvania, 36 percent in New York, 22 percent in California, varying percentages elsewhere). Other countries—Sweden, Denmark, West Germany and the Netherlands—tax net worth more heavily than immovable real estate, and appear to have mastered their enforcement problems.

Finally, one of the least-explored approaches to property tax relief is through municipal ownership of enterprises such as electric utilities and cable-TV franchises. Fast-growing Jacksonville, Florida, is one of the few cities where property taxes have steadily declined (the rate has dropped 35 percent since 1968). A major reason is that the city-owned electric authority chips in generously to the city budget ($20 million in 1970). Several dozen other cities with municipally owned utilities enjoy lower property tax rates than they otherwise might (and lower electric rates, too) because profits from power distribution don't go to banks and absentee stockholders but are retained for public purposes. Feasibility studies have shown that city government can buy out private electric companies with bonds, repay the bonds out of operating revenues and have enough left over for property tax reduction.

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Rockefeller on Drugs

Nothing Nelson Rockefeller has done to curb drug abuse in New York has worked, and the people are growing restive. The governor spoke to their fears in his state of the state message earlier this month: "People are terrorized by the continued prevalence of narcotic addiction and the crime and human destruction it breeds . . . The crime, the muggings, the robberies, the murders associated with addiction continue to spread a reign of terror. Whole neighborhoods have been as effectively destroyed by addicts as by an invading army."

Governor Rockefeller was first elected in 1958; no governor of any other state has been in office longer. As the man responsible for the enforcement of New York law, Rockefeller might have accepted some of the blame for the alarming rise in drug abuse and crime during his long tenure, but he passed the buck: "People are outraged by the existence of corruption within the very law enforcement system itself . . . with courts that dally and delay in bringing criminal elements to justice . . . [and] by revolving-door criminal justice and a correctional system that doesn't seem to correct." The people of New York might even be a bit peeved with the governor himself.

Rockefeller said the state had "tried every possible approach to stop addiction and save the addict through education and treatment" but had failed. "We have allocated over $1 billion to every form of education against drugs and treatment of the addicted through commitment, therapy, and rehabilitation," he said. Rockefeller believes he has gone that extra mile in his search for remedies. But has he?

Look at heroin addiction. New York is thought to have more than half of the 500,000 to 600,000 heroin users in the United States. Methadone maintenance, the most successful form of treatment for heroin addicts yet devised, had its beginnings in New York City, but the state subsequently failed to provide sufficient funds to treat all the addicts who wanted treatment. Dr. Jerome H. Jaffe, President Nixon's director of federal drug prevention and treatment programs, reported to the House Appropriations Committee in September that 17,000 heroin addicts were on the waiting list for methadone maintenance in New York City. With the cost per person estimated conservatively at $1500 a year, all the addicts on the waiting list could have been entered into methadone maintenance for some $25 million. Instead, they are on the street supporting their habits with property crime that will cost New Yorkers more than a half billion dollars. New Yorkers might well ask how the governor could have spent one billion dollars fighting drugs while failing to provide the $25 million which would have taken addicts off the waiting list and into treatment with methadone.

Rockefeller did not answer that question in his message to the legislature, nor did he offer any constructive suggestions for dealing with drug problems and drug users. Instead he wants to lock 'em up and throw away the key. His actual words were: "I therefore will ask for legislation making the penalty for all illegal trafficking in hard drugs a life sentence in prison. To close all avenues for escaping the full force of this sentence, the law would forbid acceptance of a plea to a lesser charge, forbid probation, forbid parole and forbid suspension of sentence." By his definition, "hard drugs" would include heroin and other narcotics, LSD, amphetamines and hashish; not included are marijuana and barbiturates. Crimes of violence "committed by persons under the influence of hard drugs" would be punished by mandatory life imprisonment. There would also be "a $1000 state cash reward for the person or persons providing information leading to the apprehension and conviction of each hard drug dealer."

Because the governor intends to have the addict who sells drugs to support his habit treated the same way as a big pusher, we suspect that the short arm of the law would continue to nab only small-time operators or users who sell to friends. The Knapp Commission in New York City documented police pay-offs by drug traffickers, and big operators consider such transactions a normal business expense. The proposed law would have little or no effect on them. They would continue to be protected by police bribes and adjust their retail sales pattern so that addicts would do more of the actual selling. Thus, they could reduce or possibly eliminate their own exposure to the harsh penalty of the new law. If the US Justice Department's experience with the "heroin hotline" is indicative (see *TNR*, December 16), Rocky's bounty hunters would probably turn in few bona fide hard drug dealers.

Tips have reportedly led to most of the heroin seizures made by police and customs agents throughout the world, but many of these have been the work of major traffickers trying to knock their competitors out of business. With worldwide seizures of heroin amounting to just four percent of the illicit opium crop, law enforcement efforts cannot be considered a success. Rockefeller's insistence on tougher penalties attached to these failed methods will not have any appreciable impact on this six billion dollar a year business. Police efforts which go to the source and supervise the fields where opium poppies are illegally grown could succeed in curbing the supply of heroin, but accomplishing that foreign policy objective requires presidential action.

Governor Rockefeller told the legislators that "virtually every poll of public concerns documents that the number one growing concern of the American people is crime and drugs" but he will not curb drug problems by applying this rigid law to all who get caught selling what he calls "hard drugs." The 19-year-old Brooklyn boy who sells a co-worker the resin of marijuana (hashish) and the Queens housewife who lets her neighbor buy a few of her diet pills (amphet-

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amines) would be treated by the law no differently than the multimillion-dollar heroin dealer: all would get life sentences with no hope for commutation. That's not justice; it is ignorance.

Black Labor and White

Unwitting or not, the administration could not have worked out a better game plan to play off white against black labor for its own ends. Just as a nasty recession hit the unions in 1969, it began to talk about "quotas" for blacks, calling for preferential treatment for minorities in construction trades. (One of the Justice lawyers defending the Philadelphia minority-hiring plan was William Rehnquist.) Having split the AFL-CIO over the issue, the administration never then delivered the jobs to the blacks. And having whipped up blue-collar white resentment over "quotas," it used that resentment to club McGovern all through the campaign. Now, at last, it is turning the Labor Department over to the man who headed a union which the NAACP recently called as racist as "any organized group in American society."

Secretary-designate Peter Brennan, president of the New York State Building and Trades Council, claims there are plenty of blacks in his union, and there are, most of them holding jobs as laborers, roofers and bricklayers. Whites completely dominate the ornamental trades: they are the electricians, the plumbers and the sheet metal workers, the so-called "aristocrats of labor" who did their best to sabotage the Philadelphia Plan. In most instances, the government settled for "voluntary" hometown plans, which depended on the unabundant good will of building trade locals to place blacks in good jobs. The administration has wasted $45 million on these plans, most of which the union pockets as it goes through the motions of training hundreds of black apprentices without actually hiring them. Peter Brennan himself will now directly administer his own subsidy.

Last fall 1200 black trade unionists, angry over Meany's refusal to back McGovern, decided to form their own black caucus within the AFL-CIO. They're angry also over what William Lucy, secretary-treasurer of the American Federation of State, County and Municipal Employees, calls "the building trades syndrome." National leaders of the AFL-CIO are nice to Brennan and never express concern that hiring practices in the building trades might violate their organization's code of ethics.

In the meantime, the "quotas" issue continues to divide white and black trade unionists. In the courts, private class actions brought for minority workers continue to pry open one union local at a time, with judicially administered "guidelines." Each victory is long, expensive, with no impact beyond the immediate litigants. The most divisive of these struggles probably will not be in the skilled trades at all, but in the industrial unions of the old CIO, where the black rank-and-file are numerous and restive, and where they suffer the subtle racism of a seniority system that often freezes the oldest black workers in the worst paying jobs thus perpetuating the effects of past discrimination. In the Labor Department's only recent affirmative action against racial discrimination, Secretary James Hodgson ordered Bethlehem Steel to make sweeping changes in its seniority system. Two years ago, at the company's Sparrow Point plant, a federally appointed panel decided that Bethlehem through its seniority system kept most blacks in dirty, inferior jobs like refuse disposal. After 10 to 20 years in some of these jobs, they stood to lose all their seniority if they transferred to a better, all-white department—which would also make them the first to be fired in the next lay-off. The department also required Bethlehem to pay any black transferred at least the same wage he had reached through seniority in the black department.

Unions claim these are internal housekeeping matters, and many AFL-CIO leaders, though they admit the reality of covert discrimination, still oppose the remedy the blacks demand: plantwide seniority systems and, in most cases, the creation of special pools of qualified blacks to be hired on a priority basis.

The Coalition of Black Trade Unionists say they have no interest in setting up rival or "dual unions" for blacks—in any case, there are probably too few blacks in the trade unions to make this worthwhile. They will continue to be part of the AFL-CIO. But in the industrial unions, according to Herbert Hill, the NAACP's labor spokesman, blacks and other minorities have set up secret caucuses in defiance of the white leadership. In the Steelworkers, for example, where one out of five union members is black, there isn't a single black on the international's executive board.

Surrender to Inflation

The system of wage and price controls, largely dismantled by the President's announcement of Phase III, had already outlived its usefulness. It was too comprehensive, too understaffed, too rigid and arbitrary to serve over the long haul. As Treasury Secretary Shultz said, numerous "distortions and anomalies" had developed in wage-price relationships, and they required correction. Prices had begun to break loose anyway, increasing at a cumulatively rising rate during 1972, in defiance of the handful of men and women in Washington and lackadaisical enforcement around the country.

The pity is that instead of regrouping and consoli-

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dating, the administration simply surrendered to inflation. The scope of controls might have been narrowed from the entire country, with its nine million business concerns and trillions of products, to the major manufacturing and mining industries, dominated by the 1000 or so giant corporations that account for most of the nation's output. The staff of technicians assigned to analyzing and approving adjustments in wages and prices might have been increased and strengthened. Enforcement agents might have been better trained and motivated. Instead, Phase III lifted mandatory controls from all industries save construction, health and food, and sharply reduced the staff assigned to administration and enforcement. Even in the sectors where controls are maintained, the standards for profit margins, wages and prices were relaxed.

The remainder of the economy, under Phase III, is subject to voluntary "control." Few expect that to work, the doubts being expressed *sotto voce* as widely within the Nixon bureaucracy as without. The new format does not even include the obligation of big business to inform government before price or wage increases are put into effect. Nor are the particular maxima suggested for such increases clearly stated. The *average* profit margin allowable for each firm is limited in principle, but the choice of base years for determining the margin has been broadened. There is no way, in any case, for the buyer to know when a price has been excessively boosted, and it's not easy for the government to tell. A new labor-management advisory committee, significantly including AFL-CIO President George Meany and other labor and business leaders, has been asked to review the present 5.5 percent maximum standard for wage advances. You can bet that it won't be lowered.

Unaccountably, given all the forces pointing in the opposite direction, President Nixon predicts that the annual rate of price increase will sink to 2.5 percent by the end of this year. The rate over the last quarter of 1972 was more than four percent and rising.

Rating Nursing Homes

For the more than half a million residents of the nation's 7000 skilled nursing homes and 14,000 personal care homes, life can be hell. Most of these institutions are profit-makers, which is no shopper's guide to the quality of care they provide. There is very little on public record to help the elderly and their families distinguish between the good and bad nursing homes: both pass lenient state licensing inspection, and in a surprising number of cases bad ones receive Medicaid and Medicare approval as well. Despite the fact that various levels of government periodically inspect these homes and keep voluminous files on them, the public is not allowed to see most records on nursing homes. In the view of the Social Security Administration, Medicare reports are confidential. Except in New York and several other states, local licensing records are also kept confidential.

Lawsuits have been filed under the federal Freedom of Information Act and comparable state statutes to make these records available to the public, and Congress has directed Medicare and Medicaid to release future records, beginning with those made next spring. No locality will have a complete set of inspection records until mid-1974. Under court order, I obtained in October Medicare inspection records for eight different homes. They contain information consumers need: the number of registered nurses, practical nurses and aides on each shift, the fire safety status of each home, the nutritional expertise and other indices of the home's medical standards. I found, for example, that one home lacks registered nurses on weekends, another has them all week; one has a high ratio of nurses to patients, another a low ratio; in one home the advertised rehabilitation area is actually a storeroom.

Such inspection records, however, are uninformative on the quality or the morale of the homes. There's no *Consumer Reports* on such matters, no comparative report that would make possible choosing intelligently between one institution and another. To fill that gap, newspapers and groups like the National Council of Senior Citizens could solicit patients' comments and publish them along with official inspection records. Interested consumers might also review homes by postcard reports, just as readers of *Consumer Reports* review movies. Another remedy is the kind of public campaign waged in several states by a Ralph Nader association called the Retired Professionals Action Group (RPAG). These small citizen-action groups getting elderly people and attorneys together, have helped consumers make wiser choices among homes and push for better regulation. In a midwest state, for example, after a preannounced state inspection showed a home to be satisfactory, RPAG instigated a surprise inspection that verified patients' complaints. Corrections were made, and a state official thanked RPAG.

Most patients and their families haven't any idea what they should expect in a nursing home. RPAG is working on a model contract, specifying the patient's rights and obligations, the services the home must provide and the refunds it must make if it fails to live up to the contract. Model contracts should state grievance mechanisms, minimum nursing service, emergency procedures and standards of food service. Services covered under a per diem rate and all "extras" should be listed as well.

Nongovernment review is important as a prod to enforcing the law. Bureaucrats are often less sensitive

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to consumer interests than to business groups that can afford to fight court battles and lobby state legislatures. But eventually consumers should be able to publish lists of "recommended homes" that have official approval as well as family approval. Nursing home operators anxious to be included on the list would cooperate with the review board, following suggestions and making improvements where necessary. Once they have clout, the consumer-reviewers ought to require that every nursing home have an advisory council of patients, relatives and others in the community who would see that promises are kept.

Mal Schechter

MR. SCHECHTER *is Washington editor of* Hospital Practice *magazine.*

In the Public Interest

Brighteners

Millions of pounds of the chemical compounds called "optical brighteners" are used in detergents, cosmetics, textiles, paper, soap, bandages and plastics. Their purpose: to make products "whiter than white." Brighteners make things whiter by transforming invisible ultraviolet light into visible light. Large users of brighteners such as Procter and Gamble concede that their only purpose is cosmetic. They do not concede any health costs however.

If these corporations are not disclosing risks and admitting unknowns about brighteners, other researchers, mostly overseas, are being heard. Japan has banned the use of these chemicals in food wrappings. The Swedish Food and Drug Administration two years ago recommended that manufacturers of skin cream and cosmetics suspend the use of brightening compounds pending further studies. A Swedish detergent manufacturer has refused to use brighteners in its products. The British Journal of Dermatology published in 1969 a report by a Danish researcher on skin rashes contracted by consumers exposed to detergents containing brighteners. Great Britain and West Germany do not allow brighteners to be used in hospital bandages after studied cases pointed to delays in healing of wounds.

The mounting concern over these chemicals illustrates the difference between commercial and scientific motivations. If the companies can point to a few studies which show that brighteners are not directly and immediately toxic to humans, they look no further and deeper. There are other questions which are ignored by this policy of "sell now and let someone else test later for long term effects." First, as Dr. Bjorn Gillberg of Sweden has pointed out, "there is reason to suspect that brighteners may cause cancer or induce damage in genetic material." In his laboratory at the Royal Agricultural College of Sweden at Uppsala, Gillberg conducted experiments with brighteners which caused "petite mutations" in microorganisms. He hastened to add that these findings "by no means prove that such compounds are in fact carcinogenic or mutagenic in man." "The experiments do," he said, "raise a large red warning flag, indicating that further and more extensive research is required." His concern is also rooted in the rapidly increasing and broadening use of brighteners. Residues have been found in fish in Swedish rivers.

Dr. Samuel Epstein, a prominent toxicologist at Case Western Reserve University in Cleveland, is worried about what happens to these chemicals when they enter rivers and other waterways already polluted with industrial wastes. He is heading a project which is trying to determine what happens to brighteners when they chemically interact with other waste chemicals in waterways. He thinks the risks of these combinational effects are serious enough to warrant much greater investigation by the companies which use these compounds in their products. His findings are to be released later this year.

Once again consumers are confronted with trivial cosmetic benefits as against higher costs, known hazards and potential risks associated with numerous products that touch them daily. A new Office of Technology Assessment, getting underway this year as an arm of Congress, will push the eminently sensible idea that chemicals and other materials should be thoroughly tested before, not after, their introduction into the environment. In the meantime, it can only help the cause of health and safety for consumers to ask their representatives in Congress and the Food and Drug Administration about brighteners and other chemicals that concern them.

Ralph Nader

Pascagoula's Ash Heap

Mississippi Littony

Adjacent to the railroad tracks and one block from Highway 90—the main Gulf Coast truck and auto route through bustling Pascagoula, Mississippi—stands a 120-unit apartment motel complex built and furnished for Litton Industries at a cost of nearly one million dollars. Originally it was designed as a temporary home for hundreds of out-of-town employees, moved down to Pascagoula to work in Litton's "shipyard of the future." But recent changes in the yard's employment concepts—local training, primarily—

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ended the need for the apartments before they were ever occupied. There have been attempts to sell it but so far no one has made a suitable bid, put off, it is said, by those nearby railroad tracks.

Completed six months ago and vacant ever since, the million-dollar complex is a fitting monument to Litton management or mismanagement of the Pascagoula shipyard. Its costs could easily be buried amidst the $400 million in overruns and claims at issue between the navy and Litton. A company spokesman at first even denied Litton built it, then said he would have to check to see which part of the multiheaded conglomerate owned the lease on it. Later he confirmed the shipbuilding company was paying the lease but added that the costs were not being passed on to the navy.

Looking almost as lonely as the apartment complex is the hull of the first LHA, the controversial ship that will hold marine landing teams and their helicopters. Litton is almost three years behind in the project which may turn out to be the champion weapons system overrun. A tour of the "shipyard of the future" discloses, along with the hull of the LHA 1, the massive cabin or superstructure for the same ship and the first of five sections that will eventually make up the hull of the second LHA. Asked where the other LHAs are, a Litton spokesman waves back toward piles of steel plates and talks of the rapid assembly-line system that the yard employs. He can make no estimate of when the first LHA will be completed or the others "assembled."

Through last November, Litton had received $395 million on the LHA contract, enough money to construct at least 50 percent of the now-planned five ships under its original price, 33 percent under the price Litton now seeks. It's hard to believe that much work has been done. To speed LHA construction and the start of the $2.1 billion destroyer contract—Litton's first contract in its new yard for eight container ships had to be completed in its older facility that sits across the Pascagoula River. Only one of those container ships has been delivered; a second is near delivery and two others are in advanced construction stages. Four, however, are lined up in the slips of the East Bank yard and are being built the old-fashioned way at an increased cost that Litton will have to pay itself.

Records on file with the Maritime Administration and Senator Proxmire's Joint Economic Committee document a stream of criticism of upper-level Litton management from the Farrell and American President Lines, the Maritime Administration Office of Shipbuilding, the navy and the General Accounting Office—in short, almost every company or agency that has reviewed the shipyard's operations. Nonetheless, on June 29, 1972—just a few weeks after Litton, through Roy Ash, informed the navy that a cash-flow problem would develop if its LHA payments were cut off—the company's board of directors passed a resolution "authorizing an additional form of incentive for the corporation's executives." A two million dollar cash pool was established with Litton money from which 25 top executives could borrow an amount "not [to] exceed [their] annual salary rate" at four percent interest—an amount at least two percent below the rate the company itself paid to borrow funds. By September almost $600,000 had been loaned, including $165,000 to Fred O'Green, who supervises the shipbuilding program.

Even the most enthusiastic Pascagoula boosters of the shipyard shake their heads when pressed to discuss Litton's management. "It was a chance for us to do something industrially," one Mississippian says, "then Litton came in and screwed things up." But when talk moves to taking the LHA or the destroyer contract away from Litton—they represent a three billion dollar backlog—the Mississippians object, pointing to the Lockheed bailout precedent.

Ed Lowe, president of the Pascagoula Metal Trades Council summed it up: "We got more invested there than Litton. It's our livelihood." The facts support that position. Pascagoula and Jackson County put up the property on which the new shipyard stands, along with some four million dollars to get it in shape. Mississippi floated a $130 million bond issue to pay for construction of the yard along with deepening of the harbor area. The labor unions involved in shipyard construction agreed to sign a five-year contract calling for only a 31-cent pay increase over the period, in order to satisfy Litton's initial fears of union trouble. Local, state and federal governments have supplied millions of dollars worth of programs, from job training, to highway construction, to housing subsidies, in order to meet demands created by Litton's presence.

It has not been a one-way street. Litton has become the single biggest employer in the state of Mississippi with 16,000 workers and an annual payroll of over $100 million. Persons from 50 of the state's 80 counties flock into Pascagoula, some of them staying five nights in local boarding houses, returning home only on weekends.

Litton has also been a catalyst—thanks to federal government pressure—for meeting local racial problems particularly in the craft union area. In 1970, a clause was inserted in the shipyard contract offering longtime black employees an opportunity to move out of menial jobs and into crafts with seniority. Today all unions are actively recruiting black apprentices. A recent Litton call for 10 carpenter trainees specified eight of them had to be black. A Bureau of Indian Affairs program has recruited some 200 Indians to work at the yard. And an AFL-CIO-sponsored organization has provided 40 shipyard employees from Mississippi State Penitentiary at Parchman.

Despite these advances, employment was and is a key problem for the yard. Turnover, according to navy officials testifying before Congress last spring, runs

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almost three times the national average. Litton, itself, reportedly says it underestimated the number of man-hours needed on an LHA by a factor of three. And then there was the company's ill-considered effort in 1969 to change the labor contract through court action. "That cost them close to $1 million," a union official said, but he adds, "those days it was being run from California." Litton still is looking for trainees in some crafts, paying them $2.84 an hour.

The big change in Litton's management, according to local Pascagoulans, came when direction of the new and old yards was given to Ned Marandino, who ran the old yard. Since then the more experienced East Bank employees have worked in both yards.

Today the major fear is that Washington will take Litton's contracts away because of past mistakes. At a recent Rotary Club meeting, Edward Khayat, president of the Jackson County Board of Supervisors and perhaps the biggest non-Litton booster sounded the rallying cry: "We need to back Ned Marandino and every man employed in the shipyards—there is more than one Proxmire in Congress. We need to speak up and point out that [Litton] is working hard to produce quality ships that can be sold at competitive prices." Congressional hearings on Litton were major Pascagoula news and even a recent sale of several Litton subsidiaries made the local front page.

The obvious man to represent Mississippi in the matter is the state's junior senator, John Stennis. As chairman of the Senate Armed Services Committee he helped get the contracts authorized and worked to beat efforts to divide up the DD 963 30-destroyer package. When troubles first surfaced in Pascagoula he began going back home, reportedly to press for the change in management that now has taken place. He also suggested some start be made on the destroyer contract so progress could be visible. Today the superstructure of the first DD 963 is being put together just a short distance from the LHA 1 hull—and is a feature of the yard tour. Stennis is no blind supporter of Litton, though his interest clearly is to keep the contracts.

Roy Ash's move from president of Litton to directing the Office of Management and Budget was considered reassuring to Pascagoula. "He won't let us go down," said one union official. A Pascagoula lawyer said Ash's presence, however, might focus too much attention on the shipyard contract and cause additional troubles in Congress. More than one Mississippian talks of how things would be better if, somehow, the company and the shipyard could be separated.

Conversations in Washington and Pascagoula leave the strong impression that despite the overruns, the LHA contract will not be cancelled; the DD 963 destroyer contract will be continued although with a possibility that some of the ships will have to be constructed at other yards if the 1978 completion date is to be met. So far 16 have been funded, with decision on the remaining 14 expected in the coming 12 months. As for the $400 million in claims and contract renegotiation, the navy and eventually Congress face the problem of sorting out the legitimate from the illegitimate, hopefully refusing to permit federal funds to pay for Litton's own mistakes.

Walter Pincus

Killing Students With Buckshot

Columbia, SC

On Feb. 8, 1968 Henry Smith, Delano Middleton and Samuel Hammond, Jr. were killed on the campus of South Carolina State College at Orangeburg. On May 14, 1970 Phillip Gibbs and James Earl Greene were killed on the campus of Jackson State College in Jackson, Miss. On Nov. 16, 1972, Leonard Douglas Brown and Denver A. Smith were killed on the campus of Southern University in Baton Rouge, La. All seven were black students. All died of buckshot wounds inflicted by white "riot control" police.

Shotgun shells contain ammunition that ranges from double-ought buckshot, nine lead pellets the size of a .32 calibre slug that are used for hunting deer and other large game, to number nine "birdshot," tiny metal slivers used for breaking clay pigeons. Use of buckshot at Orangeburg had been recommended by FBI agents who helped conduct riot-control training for the South Carolina Highway Patrol.

In 1967 the Mississippi Highway Patrol was issued number nine birdshot when called out for campus disturbances, but in 1970 they used double-ought buckshot at Jackson State. When Mississippi Highway Patrol Inspector Lloyd Jones was asked the reason for the change at a hearing by the President's Commission on Campus Unrest, he replied, "I haven't been given a reason. We use what is issued to us." The commission concluded in its report that the change in policy gave support to the view of Jackson State students that police are more inclined to deal harshly with black protestors and that national, state and local officials have created a favorable climate for such police attitudes.

The FBI manual, *Prevention and Control of Mobs and Riots*, which is widely used in training local and state police, discusses extensively the use of riot-control equipment and states, "Under no circumstances should firearms be used until all other measures for controlling the violence have been exhausted. Above all, officers should never fire indiscriminately into a crowd or mob." But the manual doesn't even mention riot guns, which by definition are shotguns used to disperse rioters rather than to inflict serious injury or death.

In an interview after the shooting at Orangeburg,

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Attorney General Ramsey Clark said, ". . . just the idea that you've got shotguns with double-ought buckshot for a confrontation situation like that is horrible . . . it's a killer shot, you use it when you're trying to kill somebody."

J. Edgar Hoover refused after Orangeburg to make a specific recommendation regarding use of buckshot in crowd control. He was asked specifically by the authors of *The Orangeburg Massacre* about use of firearms, the size of shotgun ammunition, when ammunition should be issued and weapons loaded, and what type of instructions should be issued to policemen—who should be responsible for making decisions to shoot firearms and what criteria should be used. He replied: "The basic rule, when applying force, is to use only the minimum force necessary to effectively control the situation. The degree and order of the application of force must be decided by officials of the agency involved and should be part of its overall planning . . . The FBI does not make 'recommendations' in connection with the implementation of these plans."

The question of whether to recommend that the FBI modify its manual and deal with the buckshot issue was discussed by the staff of the President's Commission on Campus Unrest, which investigated the shootings at Kent State and Jackson State. The final decision was against a recommendation, in part because of disagreement among police officials and also because of reluctance to invite an attack from Hoover.

At Orangeburg and Jackson State, students either turned to run, fell to the ground, or dived for cover as soon as firing began, which in part explains why so many students were shot from the rear. The President's Commission on Campus Unrest report on Jackson State said, "Even though the officers did fire into the crowd, it appears that no one would have been killed if birdshot had been used rather than buckshot." The same was true at Orangeburg. At Southern University, members of a biracial investigating commission seriously doubt the earlier theory that a buckshot shell was mistaken for a teargas shell and fired accidentally. From a distance of between 10 and 20 yards, the two students at Southern were hit by buckshot pellets in the head and shoulder area. The tear gas shells are designed for firing over the heads of a crowd.

In South Carolina the state highway patrol continues a policy of using buckshot for riot control. "Birdshot is for bird hunting," Patrol Commander P. Frank Thompson said in a recent interview. "If somebody's shooting at you with something that's going to kill you, why use birdshot?" Although his views are shared by many police officers, there were no policemen shot at Orangeburg, Jackson State or Southern University.

The South Carolina National Guard differs sharply with the Highway Patrol on the buckshot-birdshot issue, which really is a question of lethal or nonlethal force if firearms are used. The guard issues number eight birdshot for use in shotguns issued for crowd control use. Gen. Robert McCrady, adjutant general of South Carolina, says he isn't sure he would authorize use of even birdshot for firing into a crowd, because South Carolina National Guard policy requires among other things that deadly force is authorized only after lesser means have been exhausted or are unavailable and where "the risk of death or serious bodily harm to innocent persons is not increased by its use." At Orangeburg in 1968, McCrady was in charge of the National Guard, none of whom fired a shot.

The FBI, because of its stature in the minds of law enforcement officials throughout the country, would be the logical agency to develop a uniform policy against buckshot. Revius O. Ortique, Jr., a black lawyer from New Orleans who served on the President's Commission on Campus Unrest and also is a member of the investigating commission at Southern University, believes a recommendation to use number nine birdshot for riot guns would be "very helpful" if it came from new FBI Director L. Patrick Gray. "It's my firm belief that such a recommendation by the FBI would be accepted nationally," says Ortique.

Another member of the Southern University investigating commission, retired *New York Times* managing editor Turner Catledge, calls the buckshot-birdshot issue "very important." He and Ortique consider it a question of life or death. It has already meant death for seven black students.

Jack Bass

MR. BASS *co-authored, with Jack Nelson,* The Orangeburg Massacre *and was on the staff of the Jackson State investigating team of the President's Commission on Campus Unrest.*

The Nixon Watch

FTC's Future

Somebody at the White House, close enough to the President to be heeded by his press staff, understood on the morning of January 10 that Mr. Nixon wanted it to be generally understood that he accepted the resignation of Miles W. Kirkpatrick, the chairman of the Federal Trade Commission, without regret. On the available evidence, including a letter to Kirkpatrick in which the President said he was accepting the resignation "with deep regret" and "with special appreciation for your service," the somebody who instructed Deputy Press Secretary Gerald Warren to say precisely and only that the chairman's resignation was accepted "with appreciation for his contributions over the past years" was mistaken. But it was an authoritative mistake, revealing something more than the "failure of communication" within the White House labyrinth to which it was attributed after Warren took the blame

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on himself and apologized to Chairman Kirkpatrick for refusing, in answer to a reporter's question, to add some expression of presidential regret to the cold and minimal statement of "appreciation." It revealed, for one thing, the mechanical way in which the process of cleaning out the first-term Nixon administration in readiness for the second term was conducted by the assistants who draft the acceptances of resignations and determine the tone, ranging from no regret and no appreciation whatever to deep regret and profound appreciation, that the President's spokesmen are told to strike in announcing departures. More importantly, the soured announcement reflected the distaste of some of the President's principal assistants for the kind of reformist activism that has recently prevailed at the commission and their impression that Mr. Nixon doesn't like it any more than they do.

Whether the President likes it or not is less important than whether he now proposes to kill off the activism and let the FTC subside into the sodden condition it was in when he took office in 1969. The first indication came with his choice of Lewis A. Engman, a lawyer on the White House staff, to succeed Miles Kirkpatrick. There is precedent for placing a White House assistant on the commission—President Eisenhower did it in 1956—but not for designating a White House appointee to be chairman of the commission. At a time when President Nixon is striving to strengthen his command and control of the executive departments and agencies and centralize the making of federal policy in the White House, a natural and widespread reaction was bound to be that the choice of Lewis Engman signified an intention to extend presidential command and control to the theoretically independent regulatory agencies, beginning with the FTC. It is difficult to associate Nixon command and control with the vigorous policing of the market that the FTC attempted under Kirkpatrick, to the intense annoyance and discomfort of some of the President's most formidable corporate and individual constituents. At the risk that is always inherent in any grant of good faith to Richard Nixon, I nevertheless advise caution in jumping to the obvious conclusion to be drawn from the Engman nomination.

Very little is known of Engman himself, except that he is 37 years old; a lawyer from Michigan; a product of Harvard Law School and the London School of Economics; and, at the White House, by turns the general counsel of the President's Office of Consumer Affairs and one of six assistant directors of the Domestic Council under John D. Ehrlichman, the assistant for domestic affairs. The usual adjectives—bright, ambitious, aggressive—are applied to him by his White House associates. Miles Kirkpatrick, who had some dealings with Engman at the Office of Consumer Affairs, said of him, "I've got a high regard for his capacities. I think he's a fine lawyer. He would make a good commission chairman." Robert Pitofsky, who brought the FTC's Bureau of Consumer Protection to a high pitch of vigor and effectiveness under Kirkpatrick and quit on January 16 to return to New York University's law school faculty, said before the nomination was announced that he had found Engman to be genuinely concerned for consumer welfare. Pitofsky may be expected to wait awhile before suggesting to his law students that they go to work for the FTC in the new regime. But he didn't seem disposed to write off the commission's future in consumer advocacy and protection just because a Nixon assistant was to be the new chairman.

Miles Kirkpatrick's record and background suggest that charitable caution is in order. When the President chose him in 1969 to oversee an American Bar Association study of the commission and its flaws, there was reason to expect a whitewash in rebuttal to a devastatingly critical study that Ralph Nader had sponsored. Kirkpatrick was a prominent antitrust lawyer, his clients included a good many defendants in FTC proceedings, and the penetrating report that his study produced astonished the cynics. They were far from persuaded that a corporate lawyer with his record, the ABA study aside, would or could turn out to be the foe of market rascals and monopolists that he proved to be in the chairmanship. At a farewell press conference, the day after the announcement of his resignation was botched, Kirkpatrick touched upon one of the reasons why an FTC chairman can be as independent as he chooses to be, regardless of his antecedents. He said: "We continue to be independent, we should be independent, and we are a very important force because we are independent. Anybody coming here, any selection that the President would make, I cannot expect to be other than independent." Allowing for some judicious exaggeration, there is a sound basis for that observation.

The basis for it is that the FTC is independent by law, responsible to Congress rather than the President to the extent that it is responsible to any other authority. A chairman of the FTC is designated by the President from the five commission members and he serves as chairman, though not as member, at the President's pleasure. But, given a chairman with the intent and courage to preserve his and the commission's independence and to ward off the pressures that always endanger it, the countervailing pressures toward independence are substantial. No lawyer wants to be known among his fellows at the bar as a stooge, for Presidents or for corporate and other private interests. The internal pressures at the commission, from other members and particularly from the lawyers, economists and other specialists who staff it, are predominantly for movement and action rather than for inertia. This last is true now, at least, with a staff that has been drastically weeded out and freshened with new and reformist talent since Kirkpatrick

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took over in 1970. His predecessor and Mr. Nixon's first appointee as chairman, Caspar Weinberger, actually began the weeding out and restaffing, a fact that contributes to the feeling at the FTC that the advent of a certified Nixon man doesn't necessarily mean an end to vigor and reform.

Such are the possible plusses, reported as they are heard at the FTC. The minuses, rooted in a doubt that this President is capable of letting the FTC go its recent way without hindrance and suppression, are also substantial. One of them is that Mr. Nixon has two more vacancies on the commission coming up in 1973. Another is that most of the key staff appointees who make or break the work and effectiveness of the commission are leaving with or soon after Kirkpatrick. They include Robert Pitofsky in the consumer bureau, Alan Ward in antitrust, Michael Mann in the important Bureau of Economics and Executive Director Basil Mezines, a career man who is retiring this summer and who thinks with some reason that I unjustly tagged him as a channel of undue White House and private interference with the commission's work in a couple of pieces I wrote about the FTC in October, 1971. The new chairman, Lewis Engman, will be principally responsible for replacing them. An early test of his intent and courage, and of the freedom the President is inclined to allow him or he insists upon, will be the replacements he chooses.

We close with a saddening note on the manner of Miles Kirkpatrick's going. The President could have found time to telephone and say he was sorry about the chill announcement. He didn't.

John Osborne

The Vietnam Accord

Truce or Peace?

Paris

The final phase of negotiations in the Vietnam war may well be viewed by future historians as one of the most peculiar and painful episodes in the annals of diplomacy. After reaching an agreement in October, the United States and North Vietnam broke apart two months later—only to return to nearly the same accord they had initially achieved. The maneuvers would have resembled a ludicrous minuet had not thousands of innocent people died in the interval.

The bargaining process was complicated by an assortment of factors inherent in the quality of the conflict and the character of the parties involved. Mutual suspicion and distrust, the fruit of a decade of bitter fighting and phony overtures, prompted both sides to seek impossible guarantees. Washington and Hanoi, though the principal actors in the drama, were further hobbled by the demands of their respective South Vietnamese allies, without whose cooperation an accommodation would be meaningless. Above all, the very nature of the war militated against a simple solution.

A war that is not concluded decisively on the battlefield cannot be easily settled at the conference table, since there is no victor to impose conditions on the vanquished. What was required here, then, was compromise. But compromises are built on confidence, the main ingredient lacking not only in the relationship between the United States and North Vietnam but in the dealings between Washington and Nguyen Van Thieu on the one hand, and Hanoi and the Vietcong on the other. So the negotiations zigzagged and backtracked and stalled and accelerated afresh as each participant sought to assert himself.

Looking back, it is now clear that the North Vietnamese made the first major concession on September 11, when they dropped their demand that a cease-fire be contingent on the removal of Thieu. They could tolerate Thieu, the North Vietnamese said, on condition that the Vietcong army and administration in the South be recognized as a distinct entity. This signified a freeze in the situation, its implication being that the Vietcong would continue its struggle by political guerrilla warfare methods after the American forces withdrew from Vietnam. According to White House sources at the time, Hanoi's decision was taken largely as a result of Soviet and Chinese persuasion, and, in that respect, it stemmed from Nixon's summit meetings in Peking and Moscow earlier in the year.

Within less than a month, after meetings outside Paris, Henry Kissinger and Le Duc Tho had worked out the draft of a nine-point agreement. The plan called for a cease-fire, the withdrawal of the remaining American troops from Vietnam and the establishment of an ambiguous political scenario through which the South Vietnamese could shape their own future. The agreement also included two points that would afterward become sticky. It stated that the United States "respects the independence, sovereignty, unity and territorial integrity" of Vietnam. And it said that "all captured and detained personnel" would be released simultaneously with the withdrawal of American troops in the South. The timetable prescribed that the United States would cease bombing North Vietnam in the middle of October, and that the foreign ministers of both countries would sign the agreement in Paris at the end of the month. Soon afterwards, Kissinger went off to Saigon to sell the accord to Thieu. The trip proved to be crucial.

Although Ambassador Ellsworth Bunker and others warned him to expect difficulties, Kissinger was supremely certain that Thieu would not create trouble. He was so sure of himself that he advised Nixon from Saigon that the agreement was in the bag. On the

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basis of that, Nixon cabled North Vietnamese Premier Pham Van Dong that, except for a few points that required clarification, the agreement could be considered complete. Hanoi clarified the points and on October 22, two days after his first message, Nixon confirmed that the deal was on.

A day later, however, it became brutally plain that Kissinger had badly miscalculated. On October 23, in the last of their five sessions, Thieu angrily rejected the accord. Among other things, he demanded that the estimated 150,000 (or 300,000) North Vietnamese troops in the South withdraw, and he insisted that South Vietnam be recognized as a separate state. In the opinion of many specialists, Nixon could have disregarded Thieu's objections and forged ahead. But he would not "impose" a settlement on Saigon, as he had so often said. Thus he sent a third message to Hanoi, this time postponing the scheduled signature of the agreement.

Meanwhile, Nixon's decision to postpone the signing was prompted by another event. On October 19, in an interview with *Newsweek* correspondent Arnaud de Borchgrave, the North Vietnamese premier altered the fragile negotiating balance. In an apparent effort to exert pressure on Thieu, Pham Van Dong spoke of an eventual "three-sided coalition" in Saigon. He made it clear, moreover, that the American prisoners in the North would only be released along with the political prisoners held by Thieu.

At this point, the United States and North Vietnam were in an odd position. The negotiations seemed to be stalled, yet neither wanted them broken. Both sides therefore chose to go public. On October 25, Kissinger lunched with *New York Times* correspondent Max Frankel and gave him the outline of the agreement. The same night, Hanoi released the details. And next morning, Kissinger held a press conference to announce that "peace is at hand." These maneuvers were designed by Washington and Hanoi to signal an interest in continuing the talks. From a diplomatic point of view, however, they were errors. For by publicizing their positions, both sides locked themselves into postures that reduced their flexibility. This was especially important for Nixon. Although he would not concede to all of Thieu's demands—he refused, for example, to press for the withdrawal of North Vietnamese troops from the South—he nevertheless declined to force the Saigon regime to conform to the earlier agreement.

Indeed, when Kissinger returned to Paris to resume talks with Le Duc Tho on November 20, his assignment was to present Thieu's case to the North Vietnamese. From all accounts, Kissinger would have preferred to return to the ambiguities of the October accord. But Nixon reportedly instructed him to argue in favor of Thieu's demand for a separate South Vietnam. At that juncture, in the estimation of one of his former aides, Kissinger could have refused to do Nixon's bidding and resigned. He did not. In effect, he raised the ante and, in so doing, he provoked the North Vietnamese to respond with their trump card—a refusal to release the American prisoners unless Saigon freed the political prisoners in the South. The result was a break in the talks and Nixon's terror bombing of the North.

Nixon's bombings of Hanoi were evidently aimed at achieving three ends. First, he was striving to compel the North Vietnamese to return to negotiations. Second, he hoped to give Thieu the impression that he was not caving in to the Communists. And most significantly, it was his way of establishing his credibility with Hanoi. The bombings were meant to dramatize, in effect, that he would not hesitate to raid the North at any time in the future if the Communists violated an eventual cease-fire in the South. Or as one diplomat in Paris put it, "The bombs constituted the guarantees he might not obtain from the North Vietnamese."

In Nixon's view, the bombings succeeded in bringing the North Vietnamese back to the conference table this month. He is likely to believe as well that his tough tactics forced them to agree to a compromise. At this writing, it appears that an acceptably vague formula on the status of the 17th parallel has been worked out to the satisfaction of both Hanoi and Saigon. Hanoi has apparently agreed to release the American prisoners in exchange for Saigon's agreement to release only the North Vietnamese and Vietcong military prisoners in the South. With those issues resolved, an accord emerged.

But if a document is signed ceremonially in Paris soon, it will not have tied up all the loose ends unravelled by this recent diplomatic episode. One of the casualties of the past few months appears to have been the relationship between Nixon and Kissinger As the negotiations proceeded, their differences appeared to widen. Kissinger's public references to "we" when peace was "at hand" in October became references to "the President" when in December he had to tell the press the agreement was off. Le Duc Tho noticed in the renewed meetings this month that Kissinger had lost some of his independence and authority to negotiate in Nixon's name; Kissinger repeatedly had to excuse himself from the sessions to telephone the President. In addition, the dynamic struggle to control South Vietnam, which has lain at the heart of the war since the start, will not have evaporated. So the present stage, like the period following the 1954 Geneva accord, may only be an interlude that precedes the beginning of what could become the Third Indochina War. It remains to be seen, however, whether the struggle that lies ahead can be waged without an American involvement.

Stanley Karnow

MR. KARNOW, *former diplomatic correspondent of* The Washington Post, *reports for NBC.*

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Defense Contractors' Devil Theory

by Peter J. Ognibene

While the rest of Congress was enjoying either a post-election rest or an overseas junket, the indefatigable Senator William Proxmire was holding hearings on the "weapons acquisition process," trying to learn why some giant defense contractors have been unable to deliver their aircraft and ships at contract prices.

The president of Lockheed-Georgia, which is building the C-5A military transport at an overrun of some two billion dollars, solemnly reported that Beelzebub lives in total package procurement—a concept introduced by former Secretary of Defense Robert McNamara, by which a defense contractor is given one large contract to develop, produce and maintain a major weapon system. "I contend," Lawrence Kitchen told the Joint Economic Committee, "that among the root causes of cost growth for major weapons systems is any procurement process that does not permit meaningful milestone attainment prior to full commitment . . . Despite the agony, frustrations and heartache felt by the Government and the Contractor, the C-5A program has progressed well as we overcame the initial and correctable problems attributable to the 'cause and effect' of Total Package Procurement."

In his opening remarks the following day, Proxmire turned exorcist: "The latest strategy to cover up the procurement mess seems to be to blame everything on something called 'Total Package Procurement.' . . . This is a simplistic and superficial attempt to gloss over the deeply rooted problems of defense contracting."

There is abundant evidence on the C-5A to support Proxmire's view. The C-5A Galaxy was designed to do heavy airlift missions for the air force. Under the terms of the contract, Lockheed was to build 120 C-5s for $3.4 billion; the government is now paying almost five billion dollars for 81 aircraft. Lockheed's Kitchen asserts: "The C-5A is doing the basic job it was developed to do in support of this Nation's military strategy." But early last year Secretary of the Air Force Robert Seamans admitted to the House Appropriations subcommittee on defense that the C-5 was "designed too close to the margin." Designed to fly 30,000 hours, the plane is now expected to hold together for a maximum of 7000 hours; cargo must be limited to 80 percent of the intended maximum. Because of the weight and flying hour restrictions, the air force has limited C-5 air crews in the number of flying training hours and practice landings they may make; such limitations could have a detrimental effect on the flying proficiency of these crews. Two C-5s have crashed, an engine fell off the wing of another and many aircraft subsystems have been found unreliable. Correcting the plane's many defects may cost a few hundred million dollars more.

There were problems arising from the contract Lockheed signed, but they were not the fault of TPP. "The problem," Proxmire said, "was that it [the contract] contained a gigantic loophole, known as the repricing clause, or the Golden Handshake, which permitted Lockheed to raise the price. The contract was supposed to have a fixed ceiling on it, but as it turned out, the ceiling was fixed on hinges that allowed it to be raised." (A repricing provision allows a company to renegotiate its price—always upward—after the contract has been signed. The usual pretext is that the military required "engineering changes" to the original design, but such changes are often ordered after it becomes clear to both the service and the contractor that the original concept will either cost too much or not work.)

Another large loophole is visible in the complicated method of computing "progress payments." Kitchen complained about "a procurement process that does not permit meaningful milestone attainment," yet Lockheed *chose* to avoid being paid on the basis of "meaningful milestones" and for its choice was awarded $400 million sooner than it should have been—in effect, an interest-free loan from the government. The loophole was a Defense Department procurement regulation which allowed Lockheed to choose the most advantageous of three methods of deducting the cost of the items it had delivered to the air force. The government's preferred method was to use the actual unit cost of the item, or (secondarily) the projected unit cost. Lockheed chose the government's least preferred method: "the total contract price of items delivered." (New procurement regulations have since discarded this method.) When a company is producing a weapon on cost and on schedule, each of these methods should produce substantially the same figures, but when a company falls behind schedule and its cost of producing an item is significantly higher than the contract price, the third method will result in grossly understated costs. The government is in the somewhat anomalous position of being both buyer and banker. In a weapon contract for, say, one billion dollars, the government may have to allocate $100 million or $200 million to offset the high initial costs of research, design and development; but at some

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later point the government will allocate money only on the basis of "physical progress." There is, of course, a ceiling beyond which no progress payments can be made, but as long as a company continues to show progress within that ceiling it will continue to get cash flowing in.

In the case of the C-5, the actual costs of the items being delivered by Lockheed were well above the company's target cost. Had the company been straightforward and reported its actual costs it would have soon exhausted the allowable progress payments because the cost of the delivered items is deducted from this amount. So, Lockheed chose to use the "total contract price of items delivered": a convenient fiction which allowed the company to *understate* its costs and thus collect more progress payments than actual progress would have permitted. What this meant in dollars was the subject of a report by the Defense Contract Audit Agency written in January 1970 which was suppressed until Senator Proxmire learned of its existence last year. In this report, DCAA calculated that the actual cost of the items Lockheed had delivered as of January 20, 1970, was $1.106 million, but using the contract price method the company reported costs of $637 million and thus was able to collect $400 million more in progress payments than it would have collected had actual costs been used. What later happened, in effect, was that the progress payments for the entire contract were exhausted by the time Lockheed had finished only half the contract. To complete the original 120-plane contract would have cost another three to four billion dollars; to find the company in default would have caused its collapse. The government decided ultimately to cut its C-5 order by one-third, at a cost overrun of some two billion dollars.

Having been largely responsible for exposing Lockheed's finaglings, Proxmire was understandably perturbed when he heard that company's president tell him: "Mr. Chairman, we have had our problems, which for the most part resulted from a procurement concept that did not work." How could it have worked when Lockheed was able to choose and did choose a misleading, albeit legal, way to understate the cost of the work it was doing? When the day of reckoning finally came, the air force, more eager buyer than prudent banker, went along with Lockheed.

Total package procurement is now out, and the Pentagon has made significant changes in its procurement regulations in the hope of eliminating the loopholes Lockheed flew through. Barry J. Shillito, the retiring assistant secretary of Defense for installations and logistics, told the Joint Economic Committee about the Pentagon's new philosophy: "In our incremental acquisition strategy, we have moved from the past practice of basing decisions on paper studies and analyses to basing them on hardware demonstrations . . . Largely, these are competitive hardware prototypes. . . . This approach should provide a measure of cost control by reducing the potential for subsequent technical problems with their corresponding increases in cost." Shillito cited the "fly-before-you-buy approach" as one innovation that will end the wasteful practices.

Perhaps Shillito will prove right—one hopes so—but one of the Pentagon's first flings with fly-before-you-buy, the B-1 bomber, has not been encouraging.

A few decades ago, when the military wanted a new aircraft, it bought a new aircraft; nowadays it buys a concept. In buying concepts rather than hardware, the military contends it is trying to get the latest and best weapons for its servicemen, but when the concept cannot be bent into metal, the military usually winds up having to settle for less weapons, often of poor quality and at high cost. Fly-before-you-buy, its advocates say, will end all that, and maybe they will be right. But because the contractor takes a substantial risk when he develops a concept that may not prove out, the costs of research and development have skyrocketed. In the case of the B-1 being built by North American Rockwell, the government will have to shell out an estimated $2.7 billion by 1975 just to see if the B-1 can fly. If, after a year of flight tests, it proves out, Congress will be asked to appropriate an additional $8.4 billion to buy 241 aircraft. If it does not prove out, the government will have wasted more money than it lost on the C-5's cost overrun. This fly-before-you-buy approach also obscures an even more important question: do we need a new nuclear bomber which probably will be as vulnerable to Soviet air defenses as the B-52 has proven to be in Vietnam? Congress will probably appropriate the $2.7 billion for B-1 research and development before it ever gets around to discussing this question.

One of the virtues of McNamara's management of the Defense Department was that all facets of the development, production and maintenance of a weapon were considered before Congress was asked to buy it. The virtue unfortunately became a vice when it was used under total package procurement to turn a "soft" concept into "hard" contract dollars five to 10 years before the weapon would be delivered. Prototype testing is expensive, but it is clearly preferable. Nevertheless, had McNamara presented the B-1 to Congress, he would have laid out the cost estimates to design, build, maintain and support the nuclear bomber. His estimates may later have proven to be wrong, but they would have been there for Congress to discuss and scrutinize. The Nixon Pentagon operates on the premise that the less Congress knows the better. Like a nightclub prestidigitator, the Pentagon is trying to fix congressional eyes on the B-1's $11.1 billion estimate while it quietly lifts the public wallet for more.

Making the optimistic assumption that we get exactly what we expect to get for $11.1 billion, we will have 241 B-1s in what is called "fly-away condition." To be nuclear bombers, however, will require that they be

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armed with nuclear weapons: each B-1 will be able to carry 32 nuclear-tipped, short-range attack missiles (SRAMs). The air force refuses to discuss what each SRAM will cost, but the original development estimate for the entire program was $237 million. It has since ballooned to $1.3 billion, and *The Wall Street Journal* now puts the cost of each SRAM near one million dollars. (The program costs here are for arming the present fleet of B-52s and FB-111s.) Thus, the costs of nuclear armament for a fleet of 241 B-1s might add another $7.7 billion to the bombers' cost. Operation and maintenance of the bombers for the first 10 years will be several billion dollars more. So, the B-1 bomber will cost something more than $20 billion.

The greatest expense, however, would be the cost of a new tanker fleet to support the bombers; without tankers they would have to fly one-way missions. Air force press releases say the B-1 is to replace the "aging B-52" (last built in 1962), but the service never talks about a senescent KC-135 tanker (last built in 1964). Nevertheless, the air force is clearly thinking about a new tanker, and it gave Boeing a $1.6 million contract last year to test the suitability of its 747 passenger jet as a tanker. A KC-747 tanker fleet (three for every two B-1s) would cost eight to 10 billion dollars. That brings the costs of the B-1 *weapon system* into the $30-billion range. That guesstimate assumes no cost overruns—an assumption about as safe as a worn-out tire.

Absentee Owners of America—IV

Chase Manhattan's Friendly Skies

by K. G. J. Pillai

The airline industry suffers from chronic unprofitability and excessive fares. In 1970 the airlines lost $200 million. They made a nominal profit of $31 million in 1971 after receiving a federal subsidy of $64 million. During the first three months of 1972 they lost $45 million. Such shaky profitability is uncharacteristic of regulated utilities. What's the matter?

Airline spokesmen usually attribute the industry's debility to cyclical slowdowns of the economy. They do not mention lack of competition. For example, flights from Washington to Los Angeles are limited to choices offered by the three airlines which the Civil Aeronautics Board has authorized to fly the route. The theory behind this "shared monopoly" is that the three carriers will compete in that market and thereby provide efficient and low-cost service. In reality the carriers charge the same high prices and behave more like friends than rivals. Even the prices of alcoholic beverages and in-flight movies are the same. A primary reason the airlines behave this way is that virtually all are controlled by a handful of banks, insurance companies and aircraft manufacturers.

The principal owners and controllers are 13 financial and manufacturing corporations: Chase Manhattan, First National City Bank, Bankers Trust, Bank of America, Morgan Guaranty, Prudential Insurance, Metropolitan Life, Equitable Life Assurance, Connecticut General Life, Aetna Life, Boeing, McDonnell-Douglas and General Electric. Control is exercised in numerous ways, including stock ownership, extension or denial of credit, ownership of airline assets and representation on airlines' boards.

Theoretically, this concentration of control is illegal. The Federal Aviation Act of 1958 declares it unlawful, unless approved by the CAB, for any person or corporation to control two or more airlines in any manner whatsoever. The act presumes control on the part of holders of 10 percent of an airline's voting stock, subject to the caveat that the CAB can disregard this presumption (which it has not done).

To circumvent the 1958 act, most major holders of airline stock divide their holdings among fictitious nominees. For instance, Cede and Co., an instrument of the New York Stock Exchange, holds substantial blocks of airlines' voting stock on behalf of anonymous owners. As of June 1972, Cede held about 13 million common shares of nine air carriers—more than 10 percent of the common shares of Alaska Airlines, Braniff, Continental, Eastern and Frontier, and more than five percent of the common shares of American,

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Allegheny, Northwest and TWA. The CAB, the public and even the airlines have no means of discovering the identity of the owners of the stock held by Cede, but it is widely believed that the owners are banks and insurance companies.

Chase Manhattan is the only financial institution which publicly holds substantial blocks of voting stocks of air carriers. As of December 1971, Chase held directly or through nominees more than six million shares of five major airlines. By virtue of these holdings Chase is the largest shareholder of American, National and UAL Inc. (the holding company which owns United Air Lines), and the second largest shareholder of Eastern and TWA. Chase is also an influential creditor of 11 other airlines. The long-term indebtedness of major air carriers to Chase exceeds $400 million. In addition, Chase has participated in lease transactions involving 96 jet aircraft currently operated by airlines.

Although its pervasive financial interest in the airline industry is evident, Chase recently denied that it controls any of the air carriers. The denial came at about the same time Air West submitted convincing evidence to the CAB that Chase imposed an acquisition plan on Texas International Airlines under "financial duress" and threat of bankruptcy.

Ownership of airlines assets, more than the power to vote stock or deny credit, seems to be the preferred and decisive means by which the airline industry is controlled. Consider the following ownership interests:

►First National City Bank (Citibank) has an investment of $538 million in air carriers in the form of long-term debt and ownership in 114 modern jet aircraft. Citibank's ownership interest in aircraft alone constitutes 15 percent of the net value of all flight equipment of American, 12 percent of TWA, 18 percent of Braniff and six percent of Pan American.

►Bankers Trust has participated in lease transactions involving 176 jets and invested about $300 million in air carriers. The bank holds title to a significant number of Pan American's aircraft and its investment in Northwest is equivalent to 18 percent of that carrier's assets.

►Though Bank of America's investment, including ownership interest in 39 aircraft, amounts only to $160 million, its investment constitutes 26 percent of the assets of Western and 16 percent of the assets of Air West.

►Morgan Guaranty Trust has participated in lease transactions involving 81 aircraft and invested $211 million in airlines. The bank's stake in Eastern accounts for 13 percent of the net value of its flight equipment and seven percent of its assets.

►Chase Manhattan's investments in various air carriers, excluding investments in airline stock, are equivalent to 16 percent of the assets of Allegheny, 17 percent of the assets of Seaboard World, 17 percent of Southern Airways, 10 percent of Ozark, 11 percent of Frontier, 15 percent of Texas International and seven percent of Eastern.

►Prudential Insurance has $788 million in airline debentures and 108 jet aircraft operated by American, United, TWA and Eastern. Prudential's investments are equivalent to nine percent of the assets of American, eight percent of Eastern, 13 percent of United, five percent of Pan American and 17 percent of Western.

►Metropolitan Life's aggregate investments in airline and jet aircraft come to $639 million. They constitute more than 10 percent of the assets of American, TWA and United, and about five percent of the assets of Pan American.

►Equitable Life's total investment of $443 million in airline debentures and 93 aircraft account for 11 percent of the assets of TWA, 11 percent of the assets of Eastern and five percent of the assets of Western.

►Aetna Life has about $250 million in airlines, which includes participation in the purchase of 61 jet aircraft. Aetna's investments constitute 16 percent of the assets of Northeast, 11 percent of North Central, 10 percent of Ozark, 11 percent of Texas International, five percent of Allegheny and nine percent of Piedmont.

►All the above insurance companies hold voting securities of air carriers. The securities held by Connecticut General alone have a market value of $200 million. In addition, Connecticut General participated in the purchase of 123 aircraft that are leased to air carriers.

►Boeing and McDonnell-Douglas, in addition to building aircraft, also own and lease them. Boeing's holdings account for six percent of the assets of Braniff, seven percent of Continental, seven percent of United and 17 percent of Wien Consolidated Airlines. Most of the aircraft operated by federally subsidized local carriers such as Texas International, Southern Airways, Air West and Ozark, and all aircraft operated by Hawaiian Airlines, belong to McDonnell-Douglas.

►General Electric Credit Corporation, a wholly owned subsidiary of GEC, is engaged in large-scale aircraft leasing and financial activities. The long-term credit extended by General Electric to air carriers amounts to $208 million and covers 27 percent of the assets of Allegheny and 26 percent of the assets of Texas International.

The known airline investments of the above-mentioned banks, insurance companies and manufacturers come to $6.5 billion, or more than half the total assets of all certificated air carriers. Yet the most salient feature of airline ownership is its obscurity. The fragmentation of ownership into investments in stock, debentures, loans and aircraft has the effect of keeping the owners inconspicuous and at a safe distance from the Civil Aeronautics Board.

Equally circuitous are the methods used to influence the management of airline companies. The 13 banks, insurance companies and manufacturers seldom

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appoint their own directors and officers to airline boards; they appoint representatives drawn from intermediary corporations that they dominate. Eastern Airlines, for example, has a director who is also a director of Corning Glass, a corporation controlled by Citibank. (Three directors of Citibank serve as directors of Corning Glass.) Altogether, more than half the directors of the five largest airlines (United, TWA, Eastern, American and Pan American) maintain interlocking or representative relationships with the 13 banks, insurance companies and manufacturers. Not so coincidentally, most of the intermediary corporations are engaged in the production of goods and services purchased by airlines. Because of the interlocking relationships, it is difficult for airlines to transact business with these intermediaries on an arm's length basis.

How costly is bank and insurance company control of the airline industry? In 1971, out of total operating revenues of $8.9 billion, the 13 biggest air carriers made more than $1.1 billion in payments on nontrade debt, aircraft leases and insurance premiums. These payments, which represent 12 percent of operating revenues, were made mostly, if not entirely, to the banks, insurance companies and manufacturers who own and control the carriers. An undetermined but substantial portion of the remainder of the airlines' revenues went to corporations controlled or interlocked with the airlines' owners. In effect, there is a compulsory system of revenue sharing by which a significant portion of the airlines' revenues are apportioned among the airlines' owners and their affiliates.

Revenue sharing within the industry is quite explicit in one case: the airlines' pact for collective assistance during labor strikes. Under a formal mutual aid agreement, nonstruck airlines agree to compensate struck airlines for much of their lost operating revenues. During a four-month machinists' strike in 1971, National Airlines received $28 million from nonstruck "competitors." National made more money during the strike than it did while it was actually operating

The ownership of airlines by a few financial institutions, though an impediment to interairline competition, might not matter so much if transactions between airlines and their suppliers were fair and reasonable. Such is not always the case. Let us examine a typical lease transaction.

On December 16, 1970, Bankers Trust Company, acting as trustee for Manufacturers Hanover Trust, leased five Boeing 747s to Pan American for 16 years. The price of each 747 was approximately $23 million. Manufacturers Hanover, as sole owner of the planes, put up 25 percent; the remainder was furnished by other lenders. As owner of the 747s, Manufacturers Hanover received the seven percent investment credit that would have been available to Pan American if the carrier had directly financed the aircraft. The bank also receives semiannual rent payments from Pan American, and will keep the planes when the lease expires, at which time they'll be worth about $3.5 million apiece. The return on investment for Manufacturers Hanover works out to about 15 percent per annum, a profit it could not have made if Pan American had purchased the jets directly. Reaping that kind of return, especially from a regulated public utility known to be in financial distress, amounts to skyway robbery.

It should be noted that Pan American attempted to extricate itself from the unfavorable terms of the lease by securing loans to purchase the aircraft directly from the manufacturer, but the banks refused the loan and forced Pan American to agree to the lease. It is worth noting that the only two major airlines which have no outstanding lease obligations to banks—Delta and Northwest—made profits in 1970 and 1971 while their counterparts were losing money.

Banks also use the airline industry to shore up investments they've made in aircraft manufacturers. Citibank has two directors who are also directors of Boeing. Likewise, Equitable Assurance and Morgan Guaranty have their directors at Boeing. The directors' presence reflects the millions of dollars that banks and insurance companies have loaned to aircraft manufacturers—loans they would like to see repaid. It's not every day the banks can persuade Congress to guarantee loans *à la* Lockheed, so they must encourage airline acquisitions. Most airlines, however, have surplus aircraft which are either underused or not used at all. American Airlines, for example, leases 65 jets from banks and insurance companies, but owns 46 nonoperating jets of similar design. When American (along with TWA and United) requested CAB permission to cut flights on coast-to-coast routes, several banks and insurance companies urged the CAB chairman to allow the cutbacks, presumably so the airlines could better pay their debts and rental fees. The misallocation of national resources represented by unneeded jets—why not build mass transit instead?—seems not to figure into the banks' equations.

Airlines are essential public utilities, subsidized and promoted by public revenues and granted franchises to use the public airways for private profit. If financial institutions, whose earnings are not regulated, are squeezing unreasonable profits out of a publicly franchised shared monopoly, the public interest is not being served. It would make more sense for Citibank to run its own airline, subject to competition from Morgan Guaranty Airways, Air Chase, etc. With an ownership interest in 114 aircraft, Citibank could very well do it.

A more practical remedy would be for the CAB to enforce the law prohibiting multiple control of airlines. If the CAB is unwilling to do this, then Congress should deregulate the industry, thereby opening the way to genuine competition.

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Stanley Kauffmann on theater

The Sunshine Boys

(Broadhurst)

Ontological-Hysteric Theater

For years I've been saying that Neil Simon is not a playwright but a sketch-writer. Now, with exemplary courtesy, he has taken the trouble to prove my point. *The Sunshine Boys* is the apotheosis of a sketch. An old-style vaudeville routine is the center of the evening, with what amounts to a series of sketches leading up to and away from the main act in the middle.

The two old vaudeville troupers of the title were evidently suggested by Smith and Dale, whose Dr. Krankheit sketch I saw a half-dozen times during its long life. After 43 years in vaudeville, Simon's duo quarreled, and have not seen each other for 11 years. Now they are being brought together for a big TV "cavalcade" of old comedy. The setting, except for the second-act TV studio where they run through their sketch, is Jack Albertson's dowdy hotel room. To it comes his old partner Sam Levene, who now lives with his daughter in New Jersey, brought here by Albertson's nephew.

There is no play, in any organic sense. There are some maneuvers, there is a heart attack, there is a final twist, but mostly we are (in effect) backstage before the sketch, then backstage again after it. It's a good sketch—Simon's variation on the Krankheit theme—and Albertson even imitates the way Dale used to jump up and down in cartoon-pansy style. But if you can think of this evening without the sketch itself, you see that it simply wouldn't exist.

The tributary sketches are about an old man and a TV set; the crusty old man and his eager-beaver nephew; two crusty old men fencing at a reunion; crusty old man in bed, being tended by a buxom black nurse; and more. Simon gets his laughs from two series of recognitions: first, the show-biz knowledge that is now common currency among "civilians"; second, the details of "civilian" life, made funny, apparently, just by being reproduced on stage. For instance, when the curtain rises, Albertson is watching a TV soap opera. The night I was there, this brought a few titters at once. Then there was a break and on came the same Lipton's Tea commercial that you can hear at home. This brought a loud laugh. Thus Simon sets the key for the kind of humor that's to follow: nudge-jokes. A nudges B, implying "Isn't that just like so-and-so, or such-and-such."

I certainly don't mean that Simon has no ability. If what he is doing, year after year, were easy, thousands would do it, because he seems to be making more money than any playwright in world history. He keeps his ears and eyes open, to a small superficial area of experience at least, and he knows how to phrase a crack. He is the cleverest man around Broadway. But his plays never hold up as well as those of George S. Kaufman, who was the cleverest man before him, because Kaufman—also essentially a sketch-writer and gag man—had sense enough to collaborate with others who could provide something like the body of a play.

Sam Levene has fine flavor and plays some of his bits the way Alan Arkin (who directed) used to play his old Jewish street-vendor in a Second City sketch. Jack Albertson is much more of a performer than an actor, and although he has the ease of an old pro, he doesn't quite have Levene's richness and credibility. Arkin has used revue tactics throughout. The pauses, the "takes," the business—in and around the central sketch—are those of sketch-performing, not realism.

Early last year I began to hear about an experimental group called the Ontological-Hysteric Theater, headed by Richard Foreman, and a few months ago I went to a production of his with some expectation. He conceived, staged, and designed *Dr. Selavy's Magic Theater* (Mercer-O'Casey), which is a musical entertainment with songs by Stanley Silverman and Tom Hendry. (Selavy is Marcel Duchamp's old pun on *c'est la vie.*) Some of the songs are good and, for a change, some of the singers in an off-Broadway show actually can sing. But where was the ontological hysteria? There were some heavy comments in the program, reminiscent of Arthur Miller, and there was some heavy religious parody on stage, but the (presumable) idea of a patient entering an asylum and being cured by a theatrical experience, with music, was utterly absent. I saw a pretty good parodic revue, with some nice anti-theatrical theater: things fell down at odd moments; when the actors went out, they didn't disappear, they just stood at the sides waiting to return; a little girl wandered through occasionally, chewing gum; and so on. Bright undergraduate nonchalance, but not much more.

Then I went to see Foreman's own group, not a group he had assembled for a show, the Ontological-Hysteric Theater in their own place (the Cinematheque). I saw that Foreman had

(continued on page 35)

Films Worth Seeing

The Discreet Charm of the Bourgeoisie. Buñuel, apparently getting younger, mocks the fantasies of the stuffily corrupt with pitiless wit.

The Emigrants. Liv Ullmann. Max von Sydow. If that's not enough, some truth about 19th-century Sweden that drove people to the US.

Jeremiah Johnson. Robert Redford as a trapper in the Rockies 130 years ago, in a picture of exceptional authenticity.

Pete 'n' Tillie. Three-quarters of it is nice laugh-and-cry stuff about mature newlyweds. Carol Burnett and Walter Matthau, both very good.

The Ruling Class. A generally fascinating mess about a religious nut who inherits an earldom. Peter O'Toole fine, as are most of the others.

The Sorrow and the Pity. German-occupied France and France today, interwoven in a sterling four-and-a-half-hour documentary.

Traffic. Jacques Tati's latest comedy is his best: a balletic spoof about auto madness. Actually more to be looked at than laughed at.

SK

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Fruit of his Errors

The Cairo Documents

by Mohamed Hassanein Heikal

(Doubleday; $10)

Nasser, like the man whom he despised the most, Anthony Eden, is a classical example of why a clean bill of health should be required of any head of government. Heikal, editor of the frequently quoted Cairo daily, the "semi-official *Al Ahram*," makes it obvious, though he does not put it so inelegantly, that Nasser's rule in the '60s was first and foremost the rule of a diabetic. Heikal is an Egyptian cross between Kissinger and Boswell; he remains, the reader senses, puzzled by some of the things that Nasser said and did in his more and more impulsive moods, but feels perhaps that it would be undignified to suggest that the naive, honest, ascetic hero of modern Arab history was finally too emotionally diminished to govern Egypt. (On the other hand, one significant factor in this book is just how many leading players in the Mideast crisis thought that their colleagues or opponents were demented. Dulles is quoted as finding Eden "a little mad," while Khrushchev found Dulles a "mad monk.")

The documents referred to in Heikal's title are letters to and from Nasser—missives exchanged with Johnson, Kennedy, Khrushchev, Nehru, Hammarskjöld and others. The book is full of little Nasserian insights into these and others whom Nasser met at length—Tito, Eden, Sukarno, Nkrumah, Che Guevara. But mostly the book is a chronicle of Nasser's early victories and later defeats, the fruit of his transparent errors.

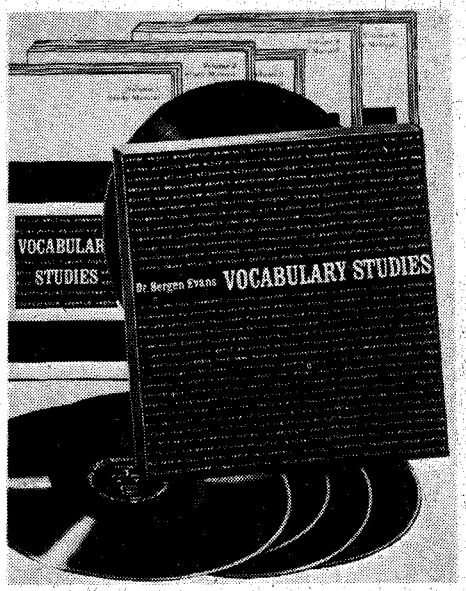
Historically, the importance of Nasser's errors were the uses Israel made of them. Many turns of history still remain unclear: there are now a dozen interpretations of most of the major events in the Middle East since 1950. The only universally accepted fact seems to be that Eden was a nincompoop. But it is clear, even from this slightly gung-ho Egyptian account, that Israel has always kept the initiative. When war broke out, it was often because of things that the Arabs did, but never when Israel did not want it.

Because the trait is so germane to Arab history, the temptation for historians will be to attribute Nasser's volatility to his asceticism. He had the attitude to personal wealth of a Ralph Nader. He hated uniforms and protocol. His principal meal was cottage cheese and unleavened bread. Yet Nasser, although a revolutionary, was no insensitive Almoravid. He saw the pan-Arab dream as his hero, Bismarck, saw the pan-German dream. He failed to see that it had been the preposterous birth of Israel, not his revolution, that had given the Arabs the limited unity they had.

Heikal is an advocate, not a judge, but on some points he cannot honestly be faulted. Nasser, at least originally, hated war. As Heikal notes, he raised the *fedayin* as a response to Israel's parcel bombs and other terror, notably the "Lavon affair" (which Heikal blames on Ben Gurion, not Lavon). Heikal also reports fairly on other people's well-meaning "solutions" to the Mideast problem. The US, it appears, at one point proposed sharing the Negev between Jordan and Egypt, with a linking road: an *Israeli* road would pass underneath it on its way to Eilat, which would have remained Israeli. Proposals like this were hardly the "help" the Arabs sought.

As Nasser's one-time special envoy to Washington, Anwar as-Sadat, put it then, all the "aid" that Egypt really wanted from Washington was "understanding." But no one made much attempt to understand anyone else. Dulles, while doubting Eden's emotional stability, basically accepted Eden's Etonian analysis of a sassy Wog. Nasser in turn misunderstood most Americans at the highest level—especially Johnson—while enjoying those from the CIA and the embassy. The British believed that Nasser had engineered the dismissal of General Glubb, the English commander of Jordan's Arab Legion—while Nasser thought the British had shoehorned Glubb out themselves, to save Hussein.

According to Heikal, the US withdrawal of Aswan aid in 1956 (because



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of Nasser's recognition of Peking) had been planned in advance at a Baghdad Pact meeting that March. Notes of this parley apparently reached Nasser from Iraqi sources in April.

Nasser and his Washington ambassador, Ahmed Hussein, publicly accepted the West's terms for continued aid; but Lincoln White, at the State Department, was announcing Dulles' cancellation of aid just as Hussein and Dulles were sitting down to talk in another room. In return for this, Nasser nationalized Suez—perhaps his least morally defensible and silliest act. (Earlier he had written Nehru approving *internationalization* of the waterway.)

Sources in Malta and Cyprus and at Baghdad Pact offices in Iraq kept Nasser informed of Anglo-French plans for the Suez war. Even the CIA fed information on General Keightley's invasion preparations and of "how Eden's health is affecting his judgment"—Dulles' words. Nasser decided that Eden was "a velvet fist in an iron glove." At the UN, the US threw its vote against Britain, France and Israel: Nasser made sure that when pipelines were blown up in Syria, American lines should not be touched.

One reason Heikal is tolerant of the declining Nasser is that he never shared his master's passivity. He relates with intemperate pleasure two different deaths for Premier Nuri Said of Iraq. But Heikal's was another view which Nasser needed, just as he needed the Levantine guile of his foreign minister Mahmoud Fawzi, who carefully avoided being for or against the President's controversial decisions. On the whole, like Khrushchev, Fawzi and Heikal were moderating influences.

Symbolic of Nasser's decline were his quarrels with old friends like Tito and especially Hammarskjöld, whose Congo policy Nasser found too evenhanded. Nasser's mistakes in the Congo were among those that paved the way for Mobutu's right-wing dictatorship. When the US and Belgium rescued hostages from Stanleyville in 1964, Nasser failed to see a noble corollary between this and Arab support for Palestinians, and allowed a mob to burn the US library in Cairo. He refused to apologize when one of his triggerhappy MIGs shot down an unarmed US oil company plane. Sensitive to insults himself, he publicly called Johnson a "cowboy."

But unlike Anthony Nutting in a recent book, Heikal does not blame Nasser's triggering of the Six-Day War on Israeli cleverness. He relates the familiar argument that Nasser only wanted certain UN posts deactivated. Ralph Bunche decided—presumably on the advice of Brigadier Indar jit Rikhye—that it was all or nothing. U Thant agreed. Nasser, a colonel, should have understood why: but he apparently lacked the moral courage to back down. The whole UN force was withdrawn—and Israel went in, in its place.

First, the Israelis "informed" Washington that the Egyptians would invade at dawn on May 27, 1967. Washington asked Moscow to pressure Egypt. Nasser persuaded the Russians that the "invasion" report was baseless, publicly announced that Egypt "would not fire the first shot"—then made his saber-rattling speeches to his pilots and the world. Many Egyptians wanted war and did their best to keep mediators, like the Americans, at bay. Nasser left friends, but no evidence, to testify that he did not want war at all.

The last years were a festival of overreactions—arresting his guest, Premier Moise Tshombe of the Congo, in 1964, rejecting Nahum Goldmann out of hand in 1968, responding to Bonn's objections to Walter Ulbricht's Cairo convalescence by making it an "official" visit. The loss of Nehru's sobering influence was capital. Nehru had wanted to bring the Jews and Muslims together: told that the impediment was the existence of a million Palestinian refugees, he said partition, in 1947, had given India 16 million refugees.

Nasser never got along quite so well with his other Asian adviser, Chou En-lai. Chou told him to put "brigades" of guerrillas into the Sinai to "live with the people." Nasser was understandably startled. Earlier (in June 1965), Chou had told Nasser that he wanted the US to escalate in Vietnam, where US forces would be China's "hostages," amenable to China's plans to demoralize the US Army with opium. Nasser was puritanically shocked on both counts.

Balancing Moscow and China was, of course, never easy. Khrushchev told Nasser that Mao was an opportunist who had left it to Chiang Kai-shek to fight the Japanese. But Peking clearly saw Cairo as being special: its ambassador there was the only diplomat not recalled during the Cultural Revolution.

Heikal's book is timely, titillating and as true as anyone dared expect. Now the Middle East looms once more as the main world crisis, the confrontation area between China and the West. Egypt and Jordan seem prepared to settle for a return of their lands—in exchange, it's thought, for free navigation in the Suez Canal and internationally policed demilitarization of key frontier zones. If Israel seizes the opportunity, the Palestinians would be left with little more than Syrian support. Would Nasser, had he lived, have offered such a deal to Israel, over the Palestinians' heads? Heikal, one surmises, would have pressed him to. But Nasser probably would have felt compelled to fight on for justice—and a later generation might have blamed him for another defeat. *In fine*, what use, if any, is a *good* man in politics, especially when he suffers from diabetically induced bouts of "nervous exhaustion." Nasser found, like Kaunda and Nyerere, that there could only be one Gandhi.

Russell Warren Howe

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In Brief

The Almost World by Hans Koning

(Dial; $7.95)

Hans Koning is by choice a wanderer over the face of the earth, and if Vietnam had not radicalized him he might have written here merely a travelogue, an account of human virtue and vice (mostly the latter) on the seven continents. But now he has a particular focus for his hatred of authority and greed—American capitalism, militarism, imperialism—and speaks with engaging venom of our country where, more than elsewhere, the hopes for mankind went askew: "The divine plan of evolution ended at the Bundy brothers." Not that the Soviet Union is therefore the alternative, though Koning would probably describe himself as a socialist; no, as he says, "In the U.S., man exploits man. In the U.S.S.R., it's just the other way around. Fine." Cynic that he is, Koning's radical pronouncements sometimes sound like posturing, but he writes with vigor and ease, a sort of journal of memories and passions—and advice. Sample: "If we're to survive against the state and against Them, we want a constant, a day & night militancy on everything, on every single damn issue. Nothing is uncontroversial, and nothing they suggest is innocent. Every word is a stone and every plan a barricade. The Bastille has to be retaken every single bloody day."

The Shrewsdale Exit by John Buell

(Farrar, Straus & Giroux; $6.95)

John Buell's third novel begins dully with Joe Grant setting out with his wife and daughter on a holiday trip. Suddenly they are attacked on a superhighway by three motorcyclists who knock him out and then rape and kill his wife and child. The story's begun; what will Buell do with this situation? His mode is realism: we go step by step through the police procedures and the funeral; every room is detailed for us, every ordinary character and scene are photographed verbally, and the nightmare attack seems to die away in society's routines. But Grant will not wait for legal justice; he gives up on the law, buys a pistol and teaches himself to shoot: "He felt the tragedy of what he was doing," Buell tells us, "a line was being crossed, and everything looked less human on the other side of it. Not to cross it, though, seemed worse. . . ."

Frontier justice, private eyes, even a whiff of Geoffrey Household's *Rogue Male* . . . but when, less than a week after the killings, Grant seeks out the thugs and sets up an ambush, he botches things badly; the thugs are barely scratched, and Grant goes to jail for assault with a deadly weapon. Irony. He soon escapes; he gets a job as a farmhand, works for an eligible widow with a daughter his daughter's age, and his father-in-law gives him enough money to buy another gun and do things right. ("You should have done it alone," a policeman had advised him, "with a shotgun, a repeater . . .") And there he is, eligible widow on the one hand, vengeance on the other, with one chapter to go: which way will the cat jump?

We won't cheat and tell, except to say that the *meaning* of Grant's final choice remains elusive. At least a poll of two whole readers produced various troubled questions about the ending, questions that for better or worse seem not to have troubled Buell.

The Rape of the American Virgins by Edward A. O'Neill

(Praeger; $6.95)

Compared with the cautious deceit of our national politicians, there's something charming in the way men seek power and money on the Virgin Islands. Mr. O'Neill found a muckraker's paradise there, a swampy confusion of ethics too long established to treat with the customary Naderite doses of purge and reform. As few muckrakers do, O'Neill reacts to the corruption with sadness and humor rather than anger. Among the many statistics he offers in proof of the administrative backwardness of the islands is the fact that in 1971 residents owed $4.1 million in back taxes, and 95 percent of their accounts were delinquent. In another case, O'Neill tells how the government was caught giving out $2 million on questionable deals, and then immediately pushed through a bill exonerating by name all the officials suspected of wrongdoing. And there's the case of island Senator Earle Ottley, who arranged his affairs so well that he became president of the Senate while he was boss of the labor union, co-boss of the powerful Democratic machine, and publisher of the second largest daily paper in the islands. In 1968 he put through a law that required the government to print all legal ads in his paper, at eight dollars a column inch, in nothing smaller than 10-point type. In 1969 his paper made $111,000 on government vouchers signed by him.

These are the common vices of newly and semi-liberated colonies all over the world. More disturbing than this is the theoretical problem posed by the book—who should control the land, people who live on it or federal agents and wealthy outsiders who claim to have better judgment? In the Virgin Islands most skirmishes in this struggle have been won by the locals and exploiters, with the result that they have not only gouged land, but begun a trend that will probably finish by scaring away tourists and ruining the economy. St. John is the only island of the group that's relatively unspoiled, and this is because the US government owns a large chunk of it and the Rockefeller family owns another. The rest is being taken over by the kind of commercial growth that has already covered the other islands. The US government has preserved the parkland from the ravages of free enterprise, but it has also discouraged all but the hardiest tourists, hikers, campers and others willing to put up with nature in the rough. By O'Neill's standard, the Rockefellers have been more successful than either the government or the small entrepreneurs. They have built a "Rock-resort" on St. John called the Caneel Bay Plantation, a comfortable, tasteful institution where for $100 to $125 a day you can live and dine, swim, snorkel and rub shoulders with the Very Best people.

The Lost Ones by Samuel Beckett

(Grove Press; $4.95)

Samuel Beckett, who believes that every word he writes intrudes on the perfection of silence, has succumbed to his weakness once again and written a book. His "book" is really just a short story printed in very large type on 62

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small pages. The jacket says Beckett began the story in 1966 and finished it in 1970, the first fiction he's produced since winning the Nobel Prize in 1969. The book is remarkable in excluding so much and still being readable. There's no plot, no sequence of events, no characters, no dialogue or monologue, no clear purpose except the depiction of nameless people in misery. The action, which Beckett reminds us is hypothetical, takes place inside a "flattened cylinder fifty meters round and eighteen high for the sake of harmony," padded on the interior with rubber. The actors are "two hundred bodies in all round numbers," one body per square meter. They are divided into four groups: those perpetually in motion, those who sometimes pause, those who sometimes stir and those "vanquished" who never move at all. The moving bodies, the "searchers," are looking for an escape from the cylinder, or for a niche in the wall where they can hide momentarily from the crowd. Of course there is no escape. Even those who realize this feel compelled to move about. Gradually, the author's theory goes, they will all grow tired and finally become "vanquished." The redeeming humor of other Beckett works isn't present in this story, though there is a constant, hysterical tension between the misery of the "200 bodies" and the dispassionate tone of their observer. What it means is anyone's guess. It may be filled with "a wealth of allusion," as alleged by the book jacket, but otherwise it seems just an extension of Beckett's attempt to purify literature of irrelevancies. By his standard, a work becomes more successful as it says less about personalities, more about moods and relationships. The purest work, then, would express the paradox of human life without resorting to ugly intermediaries such as plot, characters, objects, words. If he carries this abstraction to its logical end, Beckett will purify himself off the shelves, out of print.

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Dodecahedron by Tom Mallin

(Outerbridge & Lazard; $4.95)

English novelist and playwright Tom Mallin, who is obsessed by evil and suffering, here restates vividly a question that has recurred in literature at least since *The Brothers Karamazov:* what would we do to Jesus if he returned today? Everyone who raises the question agrees that the crucifixion would happen again; our interest lies in how each author conceives of the world's inadequacy and Jesus' merits as this clash of good and evil is reenacted.

Mallin creates a surrealistic modern world simmering with evil. Self-interest dominates: theft, violence, self-aggrandizement, lust, indifference, pride, prostitution and sexual perversion combine their forces against his Jesus-figure. Evil is primarily sensual and active here; good is emotional, charitable and essentially passive. Perhaps for that reason Mallin's returned Jesus is feminine: the ex-nun Dodeca, whose brief life outside the convent walls constitutes a modern via dolorosa of brutality, sexual assault and exploitation.

The story is told, as is now fashionable, with a camera's detachment, avoiding all pity, sympathy, disgust and horror in the hope of intensifying these feelings in the reader as Dodeca moves through her 12 stations of the cross. (Mallin denies her deposition and burial.) But such a style no longer shocks, and it does leave constant questions about the author's intention, as does the story's allegorical nature. "What does it *mean?*" is pointless to ask of *Hamlet* or *War and Peace* but obligatory here. And here *Dodecahedron* disappoints us. Are dirt and ugliness really evil? Are sexual perversions the worst perversions of the will? Is physical violence the ultimate evil? Is goodness no more than charitable acts, renunciation of worldly goods and passivity? Is all innocence ignorant? The Christian Comics version of "The Cross and the Switchblade" offers this dialogue: "I could kill you, Preach!" "Yes, you could, Nicky! You could cut me up in a thousand pieces! And every piece will say I love you!" Mallin has an intense and vivid imagination, and he often writes extremely well; but his conception of good and evil is almost this simplistic.

Harry Bridges: The Rise and Fall of Radical Labor in the US by Charles P. Larrowe

(Lawrence Hill; $8.95, $3.95 paper)

For 40 years, Harry Bridges has maintained a vocally radical stance while at the same time becoming an established day-to-day labor leader. His Australian working-class background and his longshoring and seafaring experiences have provided him with a militant sense of outrage and deep commitment to the labor movement. His sporadic reading of radical literature and his shrewd intelligence have enabled him to speak with conviction the rhetoric of class consciousness and fundamental opposition to capitalism, though plagued by relentless governmental red-baiting. West Coast longshoremen have remained loyal to Bridges, and the unique geographical and economic characteristics of the trade have provided something of an organic relationship between them and Bridges' outspoken radicalism, even while the rest of the American union movement has remained conservative. But the day of the dramatic strike (as for example that of 1934, evoked beautifully by Larrowe) has passed, and the need to adjust to practical matters of pensions, automation and port efficiency has become the union's overriding concern. Bridges' radicalism remains unsilenced, but since at least the mid-1950s it has been spoken in a vacuum.

Charles Larrowe's book is at its best in its treatment of the 1930s, when Bridges' radicalism plausibly connected with the national mood and temper. After World War II, Larrowe seems uncertain in his sympathies. He notes, for example, the economic imperatives behind the union's decision to cooperate with management in job-destroying mechanization projects, but provides sympathetic coverage of those on the waterfront who charge Bridges with class collaboration and "labor statesmanship" as a result of this cooperation. But uncertainty should perhaps be the mark of anyone trying to understand this difficult leader. Bridges stands as one of the very few who have attempted to combine a continuing radical vision with quotidian union leadership. Unlike most of America's powers in the labor movement he has not allowed the nation either to break his heart *or* drain his militant spirit.

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Reconsideration

Truman Capote

Time at length becomes justice. A useful if obscure-sounding literary aphorism, just this moment invented. What it signifies is merely this: if a writer lives long enough, he may himself eventually put behind him the work which brought him early fame, and which the world ought to have put aside in the first place.

I remember reading somewhere not long ago a comment by Truman Capote on his first novel: it was written, he said, by somebody else.

Other Voices, Other Rooms
by Truman Capote
Originally published in 1948
by Random House
Now available from Random House, $6.95 and NAL, $.75

Cruel time fleshes out this interesting, only seemingly banal, remark: who is this tiny-fingered flaccid man, with molasses eyes and eunuch's voice, looking like an old caricature of Aeolus, the puff-cheeked little god of wind? We see him now and then on television talk shows, wearing a hayseed hat, curling his fine feet, his tongue on his lip like a soft fly, genially telling dog stories. Or we read about the vast celebrity parties he is master of, to which whole populations of the famous come, Kennedys and Kazins in majestic equality of might and mind. Or we hear of him in New Orleans some months ago, in the company of Princess Radziwill, observing the Rolling Stones and their congregations, with what secret thoughts print will soon make plain. Or we catch him out as a cabal-sniffing inquisitor in *Playboy*, confiding in an interview how "other backgrounds" are not being "given a chance" because of the "predominance of the Jewish Mafia" in American letters. Or, back on television again, we learn from him about the psychology of criminals—which inadvertently lets us in a little on the psychology of people who are attracted to the psychology of criminals. Or we discuss, for months, his puzzling coinage "nonfiction novel," as if some new theory of literature had broken on the world—what he means, it turns out on publication, is the spawn of garden-variety interview journalism, only with this out: he is not to be held morally accountable for it.

(He is not even to be held accountable for his first non-nonfiction novel. It was written by Somebody Else.)

Were all these non-qualities implicit in that long-ago Somebody Else—that boy whose portrait on the back cover of *Other Voices, Other Rooms* became even more celebrated than the prose inside? Who can forget that boy?—languid but sovereign, lolling in the turn of a curved sofa in bow tie and tattersall vest, with tender mouth and such strange elf-cold eyes. Like everyone else whose youth we have memorized and who has had the bad luck to turn up on television afterward, he was bound to fatten up going toward 50; and like everyone else who has made some money and gained some ease in the world, he was bound to lose that princely look of the furious dreamer.

On the face of it he was bound to become Somebody Else, in short: not only distant physically from the Dorian Gray of the memorable photograph, and not simply psychologically distant according to the chasm between 23 and 48, and not merely (though this chiefly) distant from the sort of redolent prose craft that carried *Other Voices, Other Rooms* to its swift reputation. An even more radical distancing appears to intervene.

For it's not only ourselves growing old that makes us into Somebody Else. It's the smell of the times too, the invisible but palpable force called *zeitgeist*, which is something different from growth, and more capricious. Books change because we change, but no internal reasons, however inexorable, are enough to account for a book's turning to dust 24 years afterward. *Other Voices, Other Rooms* is now only dust—glass dust, a heap of glitter, but dust all the same.

Robert Gottlieb, editor-in-chief of Knopf, some time ago in *Publisher's Weekly* took shrewd notice of how the life expectancy of books is affected: Solzhenitsyn, he said, can write as he does, and succeed at it, because in Russia they do not yet know that the 19th cen-

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tury is dead.

A century, even a quarter of a century, dies around a book; and then the book lies there, a shaming thing because it shows us how much worse we once were to have liked it; and something else too: it demonstrates exactly how the world seems to shake off what it does not need, old books, old notions of esthetics, old mind-forms, our own included. The world to the eager eye is a tree constantly pruning itself, and writers are the first to be lopped off. All this means something different from saying merely that a book has dated. All sorts of masterpieces are dated, in every imaginable detail, and yet survive with all their powers. *Other Voices, Other Rooms* is of course dated, and in crucial ways. It would be enough to mention that its Southern family has two black retainers, an old man and his granddaughter, and that when he dies the old man is buried under a tree on the family property, the way one would bury a well-loved dog, and that the granddaughter, having gone North for a new life, is gang-raped on the way, and comes back to the white family's kitchen for love and safety . . . in Harlem now, and in Washington, Watts, Detroit, Newark and New Rochelle, they are dancing on the grave of this poetry.

It was intolerable poetry then too, poetry of the proud, noble, but defective primitive, but went not so much unnoticed as disbelieved; and disbelief is no failing in an esthetic confection. Even then no one thought Jesus Fever, the old man, and Zoo, the kitchen servant, any more real than the figures on a wedding cake: such figures are, however vulgar, useful to signify outright the fundamental nature of the enterprise.

But *Other Voices, Other Rooms* is not a dead and empty book because Zoo is, in today's understanding, the progenitrix of black militancy, or because the times that appeared to welcome its particular sensibility are now lost. Indeed, the reason "dated matter" — those signals of locale and wont — has so little effect on *Other Voices, Other Rooms* is that it is a timeless book, as every autonomous act of craft is intended to be. A jug, after all, is a jug, whether bought last week at the five-and-dime or unearthed at Knossos: its meaning is self-contained — it has a shape, handles, a lip to pour. And *Other Voices, Other Rooms* has a meaning that is similarly self-contained: subjectivity, images aflash on a single mind, a moment fashioned with no reference to society, a thing aside from judgment. One can

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judge it as well made or not well made; but one cannot judge it as one judges a deed.

And this is why it is not really possible to turn to the *zeitgeist* to account for *Other Voices, Other Rooms*' present emptiness. In fiction in the last several years there have been two clearly recognizable drives: to shake off the final vestiges of narration as a mechanism to be viewed seriatim, and to achieve an autonomous art—"where characters," William Gass explains in a remark derived from gnosticism in general and from MacLeish in particular, "unlike ourselves, freed from existence, can shine like essence, and purely Be." The atmosphere of our most recent moments—Gass's sentence is their credo—ought both to repulse and retrieve *Other Voices, Other Rooms:* it begins deep in narrative like Dickens (a boy setting out on his own to find the father he has never seen), but ends in Being, and shines like "essence," which I take to be, like Tao or satori, recognizable when you have it but otherwise undefinable—and not, surely, accessible, like a deed, to judgment.

The literary *zeitgeist* is, to use the famous phrase, against interpretation; and it is into such a philosophy, freed from existence, and above all freed from the notion of the morally accountable deed, that *Other Voices, Other Rooms* ought almost flawlessly to glide. For just as its outmoded Negroes do not matter—essence transcends history—so also does the impediment of its rusty narrative works vanish in the dazzle of its prose-poem Being. *Other Voices, Other Rooms* is, as we always boringly say, a vision: a vision apart from its components, which include a paralyzed father who signals by dropping red tennis balls, a Panlike twin, a midget, a transvestite cousin, the aforementioned sad-happy darkies, not one but two decaying manses (one of which is called the Cloud Hotel), and the whole apparatus of a boy's *rite de passage* into probable homosexuality. But the vision is not the sum of any combination of its parts, no more than some or all of the churches of the world add up to the idea of a planet redeemed. Joel Knox, the boy who comes to Skully's Landing in search of his father, is nevertheless after a redemption that has nothing to do with the stuff of the story he passes through; and at the close of the novel he *is* redeemed, because the novel itself is his redemption, the novel is a sacrament for both protagonist and novelist.

A less fancy way of saying all this is that *Other Voices, Other Rooms* is the novel of someone who wanted, with a fixed and single-minded and burning will, to write a novel. The vision of *Other Voices, Other Rooms* is the vision of capital-A Art—essence freed from existence. For what is meant by the cant-phrase "the novel ought to be about itself" is this: the will to write a novel expresses the novel itself; the will to make art expresses art itself. "Expresses" not in the sense that one is equivalent to the other, but that the fulfillment of desire is itself a thing of value, or enough for literature. This is so much taking the imagining to signify the thing itself (which is, after all, *literature*) that quotidian life—acts followed by their consequences—is left behind at the Cloud Hotel. To quote the theoretician Gass (who brilliantly contradicts his theory in his own fiction) again: "Life is not the subject of fiction." One would be willing to broaden this comment to strike a more percipient grain: life is not the subject of the sort of fiction that is at home in the American *zeitgeist* at this moment—despite some beginning strands of dissent. The novel that is said to be "about itself," or "about its own language," belongs not to the hard thing we mean when we say "life," but rather to transcendence, incantation, beatification, grotesquerie, epiphany, rhapsody and rapture—all those tongues which lick the self, a self conceived of as sanctified (whether by muses or devils or gods) and superhuman. When life—the furious web of society, manners, institutions, ideas, tribal histories and the thicket of history-of-ideas itself—when life is not the subject of fiction, then magic is. Not fable, invention, metaphor, the varied stuff of literature—but *magic*. And magic is a narcissistic exercise, whether the magic is deemed to be contained within language or within psychology: in either case the nub is autonomous inwardness.

The *zeitgeist* is just now open to all this. Yet *Other Voices, Other Rooms*—a slim, easy, lyrical book—can no longer be read. Dead and empty. And what of 1948, the year of its publication? What was that time like, the time that sped Capote and his novel to a nearly legendary celebrity that has not since diminished?

In 1948, cruising the lunchbag-odorous Commons of Washington Square College, I used to keep an eye out for *Other Voices, Other Rooms*. That place and that time were turbulent with mainly dumb, mainly truculent veterans in their 30s arrived under the open enrollment of the GI Bill, and the handful of young esthetes, still dewy with high school Virgil *(O infelix Dido!)*, whose doom it was to wander through that poverty-muttering postwar mob in hapless search of Beauty, found one another through Truman Capote. Other voices, other rooms—ah how we felt it, the tug of somewhere else, inchoate, luminous, the enameled radiance of our eternal and gifted youth. Instead, here were these veterans, responsible clods, jerks and dopes, with their preposterous eye-wrinkles, their snapshots of preposterous wives and preposterous little children, the idiotic places they lived in, dopey Quonset huts on some dopey North Brother Island, slow-witted all, unable to conjugate, full of angry pragmatic questions, classroom slumberers grinding their joyless days through English and history and language, coming alive only for marketing and accounting, sniggering at Sheats and Kelley, hating Thomas Wolfe, with every mean money-grubbing diaper-stinking aging bone hating poetry and beauty and transfiguration . . .

Capote was the banner against this blight. To walk with Capote in your grasp was as distinctive, and as dissenting from the world's values, as a monk's habit. Capote: that is what the pseudonym signified: a concealing cloak, to be worn by enraptured adepts.

If *Other Voices, Other Rooms* was written by Somebody Else, it was, even more so, read by Somebody Else. Who made Capote famous? I, said the fly, with my covetous eye—I and all those others who clung to him and made him our cult, I and my fellow cabalists for whom he embodied Art Incarnate (among them the late Alfred Chester, who, priest-like, claimed to have Capote's unlisted telephone number). He was not much older than we were, and had already attained what we longed for: the eucharist of the jacket biography. So we seized the book, the incongruous moment, the resplendent and ecstasy-stung words:

> . . . the run of reindeer hooves came crisply tinkling down the street, and Mr. Mystery, elegantly villainous in his black cape, appeared in their wake riding a most beautiful boat-like sleigh: it was made of scented wood, a carved red swan graced its front, and silver bells were strung like beads to make a sail: swinging,

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billowing-out, what shivering melodies it sang as the sleigh, with Joel aboard and warm in the folds of Mr. Mystery's cape, cut over snowdeep fields and down unlikely hills.

Whereupon the room commenced to vibrate slightly, then more so, chairs overturned, the curio cabinet spilled its contents, a mirror cracked, the pianola, composing its own doomed jazz, held a haywire jamboree: down went the house, down into the earth, down, down, past Indian tombs, past the deepest root, the coldest stream, down, down, into the furry arms of horned children whose bumblebee eyes withstand forests of flame.

Who could withstand these forests of flaming prose? In the generation of his own youth Capote was the shining maggot in the fiction of the young.

The *zeitgeist* then had nothing to do with it. The *zeitgeist* now ought to have everything to do with it, but masses of the young do not now read the early Capote; the new cults form around anti-stylists like Vonnegut and Brautigan.

Something needs to be explained. It is not that the novel was written, and read, by Somebody Else; after 20 years all novels are. It is not that the mood of the era is now against poetry and transfiguration; the opposite is true. Above all, it is not that *Other Voices, Other Rooms* is dead and empty only now; it always was.

What needs to be explained is the whole notion of the relation of *zeitgeist* to fiction. In fact there is none, yet there is no fallacy more universally swallowed. For what must be understood about an era's moods is this: often they are sham or nostalgia or mimicry, and they do not always tell the truth about the human condition; more often than not the *zeitgeist* is a lie, even about its own data. If, as Gottlieb persuades us, Solzhenitsyn comes to us with all the mechanism of the Tolstoyan novel intact, and yet comes to us as a living literary force, it is not because the 19th century is not yet dead in the Russian mind, although that may be perfectly true. It is because, whatever its mechanics, the idea of the novel is attached to life, to the life of deeds which are susceptible of both judgment and interpretation; and the novel of deed is itself a deed to be judged and interpreted. But the novel that is fragrant with narcissism, that claims essence sans existence, that either will not get its shoes drekky or else elevates drek to cultishness—the novel, in short, of the esthetic will—*that* novel cannot survive its cult.

Further: one would dare to say that the survival of the novel as a form depends on this distinction between the narcissistic novel and the novel of deed.

On the surface it would seem that Capote's progress, over a distance of 17 years, from *Other Voices, Other Rooms* to *In Cold Blood*—from the prose-poetry of transfiguration to the more direct and plain, though still extremely artful, prose of his narrative journalism—is a movement from the narcissistic novel to the novel of deed; Capote himself never once appears in the pages of his crime story. But there is no forward movement, it is all only a seeming; both the novel and the "nonfiction novel" are purely esthetic shapes. In *Other Voices, Other Rooms* it is the ecstasy of language that drives the book; in *In Cold Blood* it is something journalists call "objectivity," but it is more immaculate than that—redolent, after all, of the Capote we have always known.

"My files would almost fill a whole small room up to the ceiling," Capote told an interviewer; for years he had intertwined his mind and his days with a pair of murderers—to get, he said, their point of view. He had intertwined his life; he was himself a character who impinged, in visit after visit, on the criminals; and yet, with esthetic immaculateness, he left himself out. Essence without existence; to achieve the alp of truth without the risk of the footing. But finally and at bottom he must be taken at his word that *In Cold Blood* has the blood of a novel. He cannot have that *and* the journalist's excuse for leaving himself out of it—in the end the "nonfiction novel" must be called to account like any novel.

And no novel has ever appeared, on its face, to be more the novel of deed than this narrative of two killers—despite which it remains judgment-free, because it exempts itself from its own terms. Chekhov in *Ward No. 6*, one of the most intelligent short novels ever written, understood how the man who deals with the fate of the imprisoned begins to partake of the nature of the imprisoned; this is the great moral hint, the profound unholy question, that lurks in *In Cold Blood*. But it is evaded, in the name of objectivity, of journalistic distance, all those things that the novel has no use for. In the end *In Cold Blood* is, like *Other Voices, Other Rooms*, only another design, the pattern of a hot desire to make a form; one more esthetic manipulation. It cannot go out of itself—one part of it leads only to another part. Like *Other Voices, Other Rooms*, it is well made, but it has excised its chief predicament, the relation of the mind of the observer to the mind of the observed, and therefore it cannot be judged, it escapes interpretation because it flees its own essential deed. Such "objectivity" is as narcissistic as the grossest "subjectivity": it will not expose itself to an accounting.

Despite every appearance, every modification of style, Capote is at the root *not* Somebody Else. The beautiful reclining boy on the jacket of *Other Voices, Other Rooms* and the middle-aged television celebrity who tells dog stories are one, more so than either would imagine; nothing in Capote as writer has changed. If the world has changed, it has not touched Capote's single and persistent tone. Joel Knox in the last sentence of *Other Voices, Other Rooms* looks back "at the boy he had left behind." False prophecy. Nothing has been left behind—only, perhaps, the younger writer's habit of the decorated phrase. What continues in Capote, and continues in force, is the idea that life is style, and that shape and mood are what matters in and out of fiction. That is the famous lie on which esthetics feeds the centuries. Life is not style, but what we do: deed. And so is literature. Otherwise Attic jugs would be our only mentors.

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Kauffmann, *from page 26*

commercialized his ideas for *Selavy* and that this was the thing itself. Now, although I don't know what the group's name means (anyone can conjecture about it, even without seeing them, but I still don't *know*), they have a good deal of my interest and respect.

The title of the piece I saw is no less pretentious than the group's name: *Sophia = (Wisdom) Part 3: The Cliffs.* If Parts 1 and 2 were ever performed, the fact that I missed them didn't seem relevant. It's not a play, it's a theater piece, worked out by the director and the company—of six principals and six others. The setting, designed by Foreman, has a black curtain at the back of the floor (it's not an elevated stage), on top of which are some doll houses, with one side missing. Actors sometimes stick their heads up into those houses, as if their heads alone lived on top of a black cliff. I had no clue as to the meaning of this. It also came as a shock, toward the end of the long evening, to learn that Sophia was Saint Sophia and that some mystic significance was said to be lurking under all that had happened. This had quite escaped me, like the pertinence of the *Selavy* program notes.

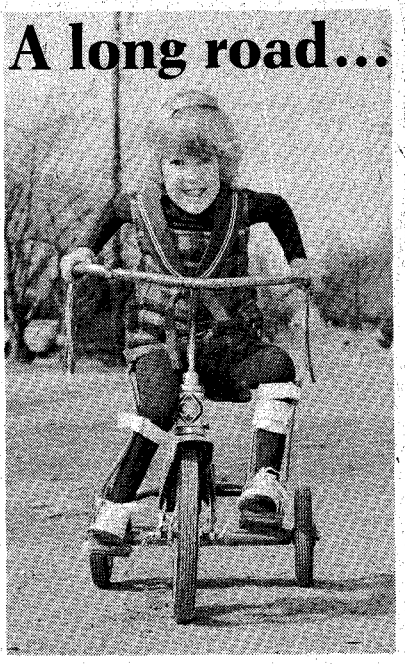
What held me for much of the two-and-a-half hours, including intermission, was the feeling of highly intelligent play—in the sense of playfulness. The action falls into phrases, and the phrases are built around a simple arrangement of furniture or a door that is brought in or a large piece of cloth, for instances. The first instinct, each time a phrase starts, is to look for "meaning" or payoff, in the punch-line sense; then it dawns that they are simply imagining things to do with these objects and each other, as a child might, but a very logical and sophisticated child.

Sometimes there are passages of dialogue on a tape recorder, previously recorded by the people we see before us, who now mumble a few of the words from time to time, belatedly, as if they were being reminded of their words. One of the women in the group is naked most of the time, but there is nothing overtly sexual in the evening (she rolls about a few times with a clothed man, but there is no sexual miming), and the fact that she *is* naked and that nothing sexual happens contributes to the underlying mode of the evening: wit. (This is supported by some legends that are flashed on screens by projectors.) Foreman says, in effect, that he knows we expect some sex play because of her nakedness, even knows we suspect him of exploitation, and he does absolutely nothing in that direction. The nakedness certainly helped to keep me watching intently, but that soon became a valid theater device on Foreman's part, because of his attitude. By and by, it was as if a woman had turned up naked at a dinner party and behaved exactly like all the clothed people. It was not unnoticeable, precisely, but predominantly funny.

The effect—of her actions and the whole evening—immediately suggest surrealism, but it doesn't work out that way. The point of surrealism is, through nonsequential arrangements of objective reality, to reach flashes of the "marvelous." No such aim here, that I can see. The O-H Theater seems interested only in exploring objective reality, the sensory and sensual. Simply by the intensity with which they all play, the *sequence* of the actions within a phrase or their counterpoint, they seem determined to refresh our basic powers of observation and response; and they (often) give delight just by doing what they do. Foreman seems essentially concerned to discover what simple, *overlooked* things one group of people can do in front of another in order to hold interest and tickle imagination.

What is it all *for?* One thing it is not for is the training of performers. These people, as far as I can see, are just "civilians," who have put themselves at Foreman's disposal with devotion; they are not technically equipped in any discernible way. This, too, is an interesting anti-conventional move, anti even the usual anti-conventional ensembles like the Performance Group. This amateurism has pluses and minuses: it keeps the work from being a solipsist theater-game; yet it circumscribes the whole project, in my view. It becomes an area of experimental probe by which other companies can be stimulated. Still, if that turns out to be all, it is certainly far from nothing.

Foreman and company will be off after January to work on a new theater piece. (They are supported by state and federal subsidy.) But they will be back. And the viewer who can overcome his mistrust of arty experiment—oh, so well-founded—might just take himself down to their theater when they return, put himself in front of them, and get some amusing, refreshing exercise of his responses.



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SAN FRANCISCO ON A BUDGET? Charming, centrally located. Hotel Beresford, 635 Sutter Street.

Arts and Crafts

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EASY TO PLAY AND MAKE. Quality instruments and kits: Dulcimers ($20 up), Psalteries, Banjos, Thumb Pianos; books, records, HERE, Inc., #N, 410 Cedar Ave., Minneapolis, Minnesota 55404.

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Christmas in Hanoi, 1972

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JAN 23 1973

The Bach Mai Hospital was Destroyed

"...in calculated anger, the President unleashed the most massive bombing of North Viet Nam of the whole long war."
—Time Magazine, January 1, 1973

IN the city of Hanoi, people, homes, stores, entire streets and neighborhoods have been wiped off the face of the earth—including Bach Mai Hospital, a civilian hospital with 950 beds, extensive clinical laboratories, and all the services of a major teaching hospital, like Stanford Medical Center. Totally destroyed. Doctors, nurses and patients killed. Bombed three times by American B-52s. Confirmed by the Swedish Embassy, by French correspondents, and by our own Ret. Brigadier General Telford Taylor.

Said General Taylor in his eyewitness report:

"Early this morning (Friday), the large Bach Mai hospital was destroyed. The hospital grounds were torn by huge fresh craters and the buildings that escaped direct hits were shattered by the blast.

"Viewed a few hours later, the hospital remains were a terrible scene, with rescue workers carrying patients piggyback, cranes and bulldozers and people using only their hands desperately clearing debris to reach victims said to be still buried in the rubble, and the frantic hospital director running from one building to another."

What can we do? March? Protest? Run ads? Raise hell with Congress? Yes, we can do all that. And we can do more.

We can show the world that the American people do not share the anger and displeasure of our President. We can show we feel sorrow and compassion for what has been done, and we can show it constructively—by replacing Bach Mai Hospital.

It means money. It means we need $3,000,000 to do the job. It means we are asking you to join with all of us in doing that job.

Please send us the coupon and enclose your check to help replace one of the tragic results of our President's action.

Let the American people show they are capable of expressing something besides anger. Let us express our humanity. Let us replace Bach Mai.

Cong. Bella Abzug (D.-N.Y.)
Cong. Phillip Burton (D.-Ca.)
Ramsey Clark
Former U.S. Attorney General
Julian Bond
Cong. Robert F. Drinan (D.-Mass.)
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Executive Secretary, Local 1199 Drug and Hospital Union, R.W.D.S.U./AFL-CIO
Cong. Paul McCloskey (R.-Ca.)
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Charles Janeway, M.D.
Physician-in-Chief, Children's Hospital Medical Center, Boston and Prof. of Pediatrics, Harvard Medical School
Maxwell Arnold
Pres., The Maxwell Arnold Agency

Organizational titles for identification purposes only.

John Philip Gerbode, Treasurer
Medical Aid for Indochina, Bach Mai Hospital Fund
140-6th Street, Cambridge, Mass, 02142

I join you as an American to help undo the anger of our President. Enclosed is my check for immediate funds to begin replacing the hospital and medical facilities at Bach Mai.

$_____, $500____, $100____, $50____, $10____.

Name_____

Address_____

City_____ State_____ Zip_____

Make checks payable to Bach Mai Hospital Fund.

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